

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, March 15, 2022 at 7:00 p.m., with the following members present:

Tony Wood	Hank Guess	David L. Williams
Charlotte C. Williams	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Reverend Sandi Hood, Peace United Church of Christ Carolina Caring
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes

- A. Regular Meeting of March 1, 2022.

Alderwoman Patton moved, seconded by Alderwoman Williams that the Minutes of March 1, 2022 be approved. The motion carried unanimously.

- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Alderwoman Patton moved, seconded by Alderman Seaver that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

- A. Budget Revision Number 15. (First Reading Vote: Unanimous)

- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Alderman Zagaroli moved, seconded by Alderwoman Patton approval of the Consent Agenda. The motion carried unanimously.

- A. Approved the Purchase of 1063 15th Street NE in the Amount of \$90,000 from M. Todd Hefner, PIN 3713-15-53-3192.

Staff requests approval of the contract to purchase the property located at 1063 15th Street NE, PIN 3713-15-53-3192, from M. Todd Hefner in the amount of \$90,000. The property is currently occupied by a single-family dwelling. Staff was approached about purchasing the tract. The City owns the three properties immediately to the north of the home. Staff negotiated with the property owner and feels the contract price to be a fair price for the purchase of the property based upon recent sales in the vicinity. The property will be used for future expansion of the City's public services complex. Staff recommends approval of the contract to purchase the property located at 1063 15th Street NE from M. Todd Hefner.

- B. Approved on First Reading an Ordinance to Implement a Speed Limit Reduction to 25mph along 11th Street Circle NW and 11th Street Circle Drive NW.

Staff request Council's approval to implement a speed limit reduction to 25mph along 11th Street Circle NW and 11th Street Circle Drive NW. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75 percent of properties in favor of implementation for the request to move forward. Traffic Division staff received the completed petition from property owners along 11th Street Circle NW and 11th Street Circle Drive NW with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for a speed limit reduction to 25mph. Twenty-Five properties were included in the petition and twenty-two properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff

recommends Council's approval to implement a speed limit reduction to 25mph along 11th Street Circle NW and 11th Street Circle Drive NW.

ORDINANCE 22-10
AN ORDINANCE OF THE HICKORY CITY COUNCIL
AMENDING THE TRAFFIC ORDINANCE AUTHORIZED IN THE
HICKORY CODE OF ORDINANCES – ARTICLE III, SECTION 18-81

WHEREAS, Article III of the City of Hickory Code of Ordinances be and is hereby amended through the modification of the official maps authorized therein as follows, to wit:

Amend the Traffic Ordinance by reducing the speed limit along 11th Street Circle NW and 11th Street Circle Drive NW to 25 mph.

All ordinances or provisions of the Hickory City Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

This Ordinance shall become effective immediately upon adoption.

- C. Approved the Citizens' Advisory Committee Recommendation for Assistance through the City of Hickory's Housing Programs.

The following applicant was considered by the Citizens' Advisory Committee at their regular meeting on March 3, 2022; and is now being recommended for approval for assistance under the City of Hickory's 2021 Urgent Repair Program. This program provides qualified low-income citizens with assistance for emergency related repairs not to exceed \$10,000.

➤ Shatterra Bentley – 617 3rd Street SE, Hickory – up to \$10,000.

The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- D. Approved on First Reading Budget Revision Number 16.

ORDINANCE NO. 22-11
BUDGET REVISION NUMBER 16

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2022, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2021-22 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	80,594	-
Economic & Community Development	2,535,696	-
Culture & Recreation	9,452	-
TOTAL	2,625,742	-

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	830,594	-
Other Financing Sources	3,285,696	-
Sales and Services	9,452	-
TOTAL	4,125,742	-

SECTION 2. To amend the Trivium Corporate Center (#B1B001) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	1,035,696	-
TOTAL	1,035,696	-

To provide funding for the above, the Trivium Corporate Center (#B1B001) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenue	1,035,696	-
TOTAL	1,035,696	-

SECTION 3. To amend the Trivium Corporate Center East (#B1B004) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	2,250,000	1,500,000
TOTAL	2,250,000	1,500,000

To provide funding for the above, the Trivium Corporate Center East (#B1B004) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	-	750,000
TOTAL	-	750,000

SECTION 4. To amend the City Walk (#B1C001) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	193,826	38,765
TOTAL	193,826	38,765

To provide funding for the above, the City Walk (#B1C001) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	155,061	-
TOTAL	155,061	-

SECTION 5. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business:

A. Public Hearings

1. Approved on First Reading Rezoning Petition (RZ) 22-02, Rezoning of 47.40 Acres of Property Located on Section House Road between 34th Street Place NE and Sipe Road from R-1 Residential and R-20 Residential to R-2 Residential, PIN 3723-08-89-6240 – Presentation by Planning Director Brian Frazier.

The Earl Errand Propst Heirs submitted a petition requesting the consideration of rezoning property located on Section House Road between 34th Street Place NE and Sipe Road from Hickory R-1 Residential and Catawba County R-20 Residential to Hickory R-2 Residential. The 47.4-acre property is zoned R-1 Residential by Hickory and R-20 Residential by Catawba County and was recently annexed. Both zoning districts permit residential uses at a density of two dwelling units per acre. The subject property is currently vacant; however, the owners’ intention is to develop the property for the construction of detached single-family residences. While preliminary development plans have not been provided, the theoretical maximum development yield under R-2 Residential zoning could result in +/-189 residential homes. The Hickory Regional Planning Commission conducted a public hearing on February 23, 2022, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition’s consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 4 and March 11, 2022.

Mayor Guess explained the rules for conducting the public hearings.

City Manager Warren Wood asked the City's Planning Director Brian Frazier to the podium to discuss rezoning petition (RZ) 22-02, rezoning of 47.40 acres of property located on Section House Road between 34th Street Place NE and Sipe Road from R-1 Residential and R-20 Residential to R-2 Residential.

City Attorney John Crone advised his firm still represented various individuals that may or may not have an interest in the property that was before Council tonight. He had recused himself the last several times this had come before any City body or any staff representing this issue. He had talked to Deputy City Attorney Arnita Dula, and she was going to take his place and he would leave the chamber and let Council proceed with the public hearing. City Attorney John Crone left Council Chambers at approximately 7:09 p.m. Deputy City Attorney Arnita Dula served in his capacity for the public hearing.

Planning Director Brian Frazier presented a PowerPoint presentation. He discussed rezoning petition 22-02, Propst Heirs. The location was Section House Road between 34th Street Place NE and Sipe Road. The current zoning was split between R-1 Hickory and R-20 Catawba County. The property size was 47.4 acres and was zoned R-1 by the City again, R-20 by the County and was recently annexed into the City of Hickory. The prior annexation and current rezoning request were intended to provide an area for future residential development. At the request of the property owners, the City was requesting to rezone the property to fully City R-2 residential to facilitate the construction of a future single family residential subdivision. He referred to the PowerPoint and displayed the City's future land use map. He pointed out the property in question, Springs Road, Section House, and Sipe Road off to the southeast. He pointed out the areas, which were density residential County and high-density residential neighborhood, mixed use, and the commercial corridor along Springs Road. He pointed out how this property was split with medium density residential and high density residential in the City's future land use map. He displayed the zoning map and pointed out the subject property. He pointed out the current zoning, R-1 on the front/Section House side. The majority of the property was R-20 Catawba County currently. He showed an aerial map of the property, and pointed out Section House, Springs Road, and the site. He gave examples of the R-1 permitted uses which was along the frontage on Section House was duplexes, single family, mobile homes, mobile home parks, family care homes, and agricultural uses were presently allowed in the R-1. Should Council rezone the property to R-2 as requested that would allow single family homes, detached, family care homes, accessory dwelling units, religious institutions, and schools. He reiterated the property was zoned R-1 and R-20. The general area of the land was classified as medium density residential by Hickory by Choice. The comprehensive plan says that medium density residential areas, "will expand the existing single family housing characteristic in the City and provide a medium density housing option where the gross density would be approximately 6-8 units per acre". The R-2 zoning district was listed as the implementing zoning district for the medium density residential classification within the comprehensive plan. The R-2 district permits density up to but not more than four units an acre, which was fully compatible with the language found in Hickory by Choice 2030. Given these factors, the rezoning of the property to R-2 was consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan. Mr. Frazier discussed the findings and recommendations. The Regional Planning Commission held a public hearing on February 23 to consider the petition. During the hearing the applicant and one other person spoke in favor of the rezoning petition while three persons spoke in opposition. Concerns cited by those in opposition included traffic, buffering, landscaping, rear setbacks, loss of open space and density. Upon closing the hearing, the Planning Commission acknowledged the petitions consistency with Hickory by Choice and based on its findings, the Regional Planning Commission voted unanimously 8-0, to recommend approval of the petition. There was one member excused due to illness. Staff concurred with the recommendation of the Planning Commission. He asked for any questions.

Mayor Guess asked for any questions. He declared the public hearing open. He reiterated the rules for the public hearing. He advised signed up to speak in opposition to the proposal was Ms. Teresa Biggs. He asked Ms. Biggs to the podium.

OPPONENT

Ms. Teresa Biggs, 4754 Salisbury Street NE, Hickory, advised she spoke at the Planning Commission meeting on February 23rd, and she was sure Council had those minutes that were included with her comments. She sent an email on February 26th to each Council person, the Mayor, City Manager and City Attorney. She was sure by now they had a chance to review her disappointment.

Transparency concerns and concerns with the Hickory City by Choice 2030 interpretation. Since that time, 28 households had signed a petition and had sent it to the developer McCormick asking for added variances, copied to Mr. Frazier and to Mr. Beasley. She requested to read that petition. They addressed it to Mr. McCormick. "An email to the City of Hickory Planning and Development Director Brian Frazier was sent stating that landowners contiguous to the aforementioned property felt that an increased amount of setbacks and buffer were needed as the aforementioned development touches many acres of undeveloped woodlands that have been in Catawba County families for generations". Mr. Frazier indicated he would talk with his boss, Hickory City Assistant Manager Rick Beasley, and Developer John McCormick to perhaps help ease our frustrations worries and concerns and present the request of a great amount of additional setback and buffer. Mr. Frazier emailed back that Mr. McCormick was agreeable to chat with those individuals that have concerns. Mr. Frazier provided the following information. The rear yard property setback is 25 feet. There are no buffer requirements between single family uses. The conservation subdivision as proposed, will have to maintain a minimum of 30 percent open space. The Hickory by Choice 2030 plan talks about transition to rural areas with goals to support land uses complementary to surrounding uses and another goal of providing balance between development and open space". A quote from the plan, "Hickory is dominated by single family residential neighborhoods that want to preserve their residential character". In reviewing the Hickory by Choice, 2030 plan expressed that the plan was to sustain and enhance existing neighborhoods. They were of the opinion that this rezoning request does not meet the aforementioned transition unless there are additional setbacks and buffers. Concerns specifically for the land they own were as follows: lack of open spaces, areas; decreasing woodlands which directly affect wildlife and clean air; environmental and ecological issues including erosion and hazardous waste to the land and their creeks; a great amount of runoff from the development will only increase more runoff causing damage to these streams and creeks. Small amounts of setback and no buffer to their open area of natural woodland property. Additional concerns with this development taking away the rural settings include their community's infrastructure, road congestion, safety, public school capacity, health services, fire department services, jobs, geriatric care, daycare, food services, public services, and criminal protection. All the petitioners/landowners realize progress was inevitable and she wanted to be good neighbors to future citizens. They felt the additional setback and buffering from this development would allow goodwill to occur between John McCormick, the builder developer, new neighbors, and their current native Catawba County residents. Therefore, the petitioners and landowners requested the following action from Mr. McCormick: increased setback to a minimum of 100 feet; use of 30 percent open spaces as a buffer to contiguous properties; create a buffer wall or fence to help inform new owners of their contiguous property as a learning tool to allow relief of liability of trespassers of their open areas that allows their rural living experience. Please know that just because the zoning statutes allow development that was not always good for the developer and/or the current community environment. She thanked Council in advance for considering and answering concerns of the following petitioners. The undersigned petitioners/landowners requested Council's consideration of the aforementioned request prior to the public hearing of Hickory City Council, of course, today. It was 28 households that signed that petition and she had those. They sent a copy of those to Mr. McCormick, Mr. Frazier, and Mr. Beasley. They asked for the meeting prior to tonight and they got a response from Mr. McCormack. He said he would be glad to meet with them once the design phase had been completed so they could then voice any legitimate concerns with the plans at that time. He planned on meeting or exceeding the government requirements for this property. After his reply, they wrote back saying they want more than just a standard community and they really poured their heart out to them as to how they felt about this situation. With all due respect, they felt that they were coming to their community do minimum and leave. They continue to make their home here and have for generations. They would like for City Council members, their decision, should it not be to put this on hold until they know what was really going to happen or what was planned. As the City Council they were allowing continued development more and more and more into their rural community. Where does it stop? She thanked Council.

Mr. Tony Hendrix, 2736 34th Street Circle NE, referred to the PowerPoint map and pointed out his property. He owned an acre and a half as shown on the plat map. He recently bought another acre and a half, which he pointed out on the PowerPoint, giving him quite a bit. If at all possible, he and his wife would also like to buy another acre and a half which he also pointed out. Doing this just to create a buffer of rural areas for him and his wife, they have a small farm located on this property, and have five goats. He would like to expand that. With a potential of 189 houses coming in right here, that does not make a good farmland

right here. He pointed out the area. To Teresa's point, further down this road, he pointed out the area, there was a blowup of construction in the Snow Creek area. That was probably 400 houses within this area, within a mile away from them already. To her extent, at what point does it stop? He pointed out the property which was currently R-1, 97 houses would be plenty on these 47 acres. That was two houses per acre which was what it called for right now. Having something jump to 187-186. Now granted that was four houses per acre, with the infrastructure, they were probably realistically sitting about 160. He advised he was a general contractor as well. He had a North Carolina license, and he knew the importance of building and the importance of making money, but over saturation of this area here was just uncalled for in this area. He pointed out the Herman house that was 11 acres. One house per 11 acres. He pointed out Ms. Jane Sigmon's property, she owned four acres. He pointed out Rick Killian's property. He had lived here for the past 10 years. They moved here specifically for this rural feel, and if the Council approves this rezoning, they will lose what they moved to this area for. As far as traffic and congestion, his understanding was they need three outlets and inlets for a development this size. He pointed out where he assumed the outlets would be located. He pointed out an access point to a named right-of-way. He pointed out where the road existed and then stopped. He noted that Rick Killian had actually paved it personally out of his own pocket because State maintenance ended here, he pointed out the location. He pointed out a road that was a gravel driveway that he had personally paid for the last 10 years to maintain a gravel driveway. He pointed out roads that did not exist. There were rights-of-way on the plat map, but these roads did not exist currently. That would be further infrastructure that had to be needed and all this traffic coming down through here on his 3.5 acres past all this rural area and then roads that do not exist. He wanted to voice his concerns. Schools had to be at their maximum capacity right now with 400 houses going up over the last year. He hoped that Council did not approve this, 97 houses would be far too many, but that would be allowable to them if they keep it there. He thanked Council.

Mayor Guess thanked Mr. Hendrix. Mayor Guess advised speaking in favor was Mr. John McCormick.

PROPONENT

Mr. John McCormick, 115 Ashmore Circle, Troutman, NC, advised they were going to meet or exceed all the regulations for doing this. Right now, they do not even know how this will work out as far as design wise. They have design professionals that design and work with the City, work with the State and the government to make the design for this development, and at that time he would be willing to sit down with anybody on any legitimate concerns. This property was an excellent piece of property. He and his wife walked this property. It was an excellent piece of property for development and has sewer and water going down the center of it. It has a gentle slope from both sides coming down to that sewer and water. He thought they were looking at a tax return. It probably would have very little effect on the neighbors around it because of the setbacks that were required, and it was 13.5 acres was 30 percent of what would be made to be put into a green area or your conservation area as you call it. Which was a substantial amount of it. He did not really see, from their standpoint, any problems. He develops and builds and what they build, as he had said this before, was they build starters and enders. Their customers were the nurses, the teachers, the policemen, the truck drivers, the people starting out. Then it was funny, it was the other end of it, the people retiring and going into them. They build a lot of ranch homes. They have raised the value of any place they had ever been and there had never had any problem with any of the neighbors. After completion they were happy with it. He tells the people around him, the adjacent property owners, if they have a problem, they can come see him and they would address it and they would take care of it. He did not think they could ask for anymore. He thought in this area, along this road, it was inevitable this change was coming. He understood. He thought they would be as good as stewards of the land as they could ask for. He asked for any questions.

Mayor Guess thanked Mr. McCormick. He advised that was everyone that had signed up for the public hearing. He asked if anyone that spoke against who would like to take advantage of their opportunity for rebuttal. He advised there was a time limit of up to five minutes.

REBUTTAL

Mr. John Hendrix pointed out the gentle slope that Mr. McCormick referred to, on either side, landed in his property. He pointed out the location of a creek on the property line. He commented his gentle slope on either side dumps water right on his property. It does right now, and he could just assume how much more.

He asked Council members to delay this on the request that once they get the final design then they should be able to vote on it. That way they would actually know what was coming and what they could actually see. That would be his rebuttal. He thanked Council.

Mayor Guess allowed Mr. McCormick the opportunity for surrebuttal up to five minutes.

SURREBUTTAL

Mr. John McCormick advised they need the zoning request to know where they were going forward. The plans have to be approved they have to go through a whole process of that. He was going to disagree with the gentleman that had just spoke. The slope on this land actually went away from his property. The stream goes downstream the opposite direction. They would be taking care of any water. They were actually looking at that area as a real asset in this community. There was a stream going through there. A nice park like setting going down through there. That was what they envisioned for the development. The question was how big a size it would be. Those concerns he thought would be more than addressed in the planning stage.

Mayor Guess thanked Mr. McCormick. He advised pertaining to the first public hearing that was everyone who had signed up to speak either in favor or opposed. He declared the public hearing closed and ask if there was any discussion or a motion from Council.

Alderman Seaver moved, seconded by Alderwoman Williams approval of rezoning petition number 22-02. The motion carried unanimously.

ORDINANCE NO. 22-12

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 47.4 ACRES OF PROPERTY LOCATED ON SECTION HOUSE ROAD BETWEEN 34TH STREET PLACE NE AND SIPE ROAD FROM CITY OF HICKORY R-1 RESIDENTIAL AND CATAWBA COUNTY R-20 RESIDENTIAL TO CITY OF HICKORY R-2 RESIDENTIAL.

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the City has been petitioned to rezone +/- 47.4 acres of property located on Section House Road between 34th Street Place NE and Sipe Road, more particularly described on Exhibit "A" attached hereto, to allow a R-2 Residential; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 23, 2022, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare; and

WHEREAS, the City Council has found Petition 22-02 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTY LOCATED ON SECTION HOUSE ROAD BETWEEN 34TH STREET PLACE NE AND SIPE ROAD, DESCRIBED IN EXHIBIT "A" IS APPROVED.

SECTION 1. Findings of fact.

1. The subject property is located on Section House Road between 34th Street Place NE and Sipe Road. and identified as PIN 3723-08-89-6240.
2. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
3. The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

SECTION 2. All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

1. Consistency of the proposed zoning with the Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030) and the stated Purpose and Intent of this Land Development Code;

The general area is classified Medium Density Residential by the Hickory by Choice 2030 Comprehensive Plan

The Hickory by Choice 2030 Comprehensive Plan states the following about Medium Density Residential areas: "... will expand the existing single-family housing characteristic in the city and provide a medium density housing option where the gross density would be approximately 6 to 8 units per acre" (HBC 2030, Pg. 3.9).

The R-2 zoning district is listed as the implementing zoning district for the Medium-Density Residential classification. The R-2 district permits density up to, but not more than, four (4) units per acre, which is compatible with the language found with the Hickory by Choice 2030 Comprehensive Plan.

Given these factors, the rezoning of the property to R-2 Residential should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) comprehensive Plan.

2. The Medium-Density Residential classification is intended to provide locations for residential development at an intensity of 6 to 8 units per acre.
3. R-2 Residential zoning district's permissible density adheres to the recommendations for areas classified as Medium-Density Residential by the Hickory by Choice 2030 Comprehensive Plan.
4. Any and all improvements that are to take place on the property will be required to follow all applicable development regulations.
5. Sufficient public infrastructure is currently in place to handle the type of development possible on the subject property.
6. Any future development that takes place on the subject property will be regulated by current and future development standards duly adopted by the City of Hickory and the State of North Carolina; and
7. Any future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property owners are properly protected as prescribed by law.

Based upon these findings, the Hickory City Council has found Rezoning Petition 22-02 to be reasonable, but inconsistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

2. Approved on First Reading Rezoning Petition (RZ) 22-05 – Rezoning of approximately 13.7 acres of Property located near the Southwest Corner of Cloninger Mill Road and 16th Street NE from R-2 Residential to R-3 Residential, Identified as PINs 3714-12-96-0319 and 3714-12-86-6394 – Presentation by Planning Director Brian Frazier.

Gary Greene submitted a petition requesting the consideration of rezoning property located near the southwest corner of Cloninger Mill Road and 16th Street NE from R-2 Residential to R-3 Residential. The 13.7-acre property is zoned R-2 Residential, which permits detached single-family residential uses at a density of two dwelling units per acre. Should the rezoning petition be approved, the density and use types would change. The requested R-3 Residential would permit attached and detached single-family residential, as well as multifamily.

The residential density would also increase to eight units per acre for attached and detached single-family and ten units per acre for multifamily. The rezoning could potentially produce 110 attached and detached single-family units, 137 multifamily units, or a mixture of the two use types. The Hickory Regional Planning Commission conducted a public hearing on February 23, 2022, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 4 and March 11, 2022.

City Manager Warren Wood asked Planning Director Brian Frazier back to the podium to discuss rezoning petition (RZ) 22-05, rezoning of approximately 13.7 acres of property located near the southwest corner of Cloninger Mill Road and 16th Street NE from R-2 Residential to R-3 Residential.

City Attorney John Crone returned to Council Chambers at approximately 7:31 p.m.

Planning Director Brian Frazier presented a PowerPoint presentation. He discussed rezoning Petition (RZ) 22-05. The property owner was the Greene family. The applicant was Eric Yeargain. The location was the southwest corner of Cloninger Mill Road and 16th Street, Sandy Ridge Road NE. The current zoning was R-2 residential City of Hickory. The property size was a little over 13.5 acres. He reiterated the property was zoned R-2 residential. The current rezoning request was intended to provide an area for future residential development. He believed Mr. Yeargain was present tonight and he would be requesting rezoning of the property from R-2 residential to R-3 residential. Mr. Frazier shared examples of R-2 permitted uses which included detached single-family homes, family care homes, accessory dwelling units, religious institutions, and schools. In R-3, which was being asked for this evening, the permitted uses there were single family homes, detached multi-family structures, family care homes, accessory dwelling units, religious institutions, and schools. He referred to the PowerPoint and displayed the future land use map of Hickory by Choice. He pointed out the rezoning area, 16th Street NE, Cloninger Mill Road, Kool Park Road, and Sandy Ridge Baptist Church. He pointed out the area was neighborhood mixed use and the property in question was considered by Hickory by Choice as medium density residential. He displayed a map and pointed out the current zoning of the of the property in question. He pointed out the R-2 area and the area which the project would also occur in, which was zoned NC, neighborhood commercial, around the intersection. He displayed an aerial ortho map of the property and pointed out 16th Street, Cloninger Mill, and Kool Park. The general area was classified as medium density residential by Hickory by Choice. The plan addressed medium density as expansion of the existing single family housing characteristic in the City and provided a medium density housing option where the gross density would be approximately 6-8 units per acre. The R-3 zoning district that was being requested was listed as the implementing zoning district for the medium density residential classification in Hickory by Choice. The R-3 district permits density up to but not more than eight units per acre for single family residential and 10 units per acre for multifamily, which was compatible with the language found in Hickory by Choice. Given these factors the rezoning of the property to R-3 was consistent with the findings and recommendations of the plan. Mr. Frazier discussed the findings. The Planning Commission conducted a hearing on February 23rd to consider such rezoning petition. During the hearing, the design engineer provided the Commission with a brief overview of the owner's future intentions for development. Three neighboring residents spoke in opposition to the petition, citing such items as stormwater runoff, the type of housing, the density, and the potential habitat loss for both flora and fauna. Upon closing the hearing, the Planning Commission acknowledged the petitions consistency with Hickory by Choice 2030 and based on the findings the Planning Commission voted unanimously 8-0 with one member being excused to recommend approval of the petition. Staff concurred with the Planning Commission's recommendation. He asked for any questions.

Mayor Guess asked for any questions. He thanked Mr. Frazier. He advised the rules for conducting the public hearing still applied. He reiterated those folks speaking should approach the podium and state their name and address. He reiterated the time allowed to be heard. He declared the public hearing open and asked Ms. Jen Krueger to the podium to speak in opposition of the proposal.

OPPONENT

Ms. Jen Krueger, 3901 12th Street NE, in The Falls at Cloninger Mill. She along with the other 70 individuals who had signed a petition were opposed to the rezoning of the property mentioned in petition 22-05. She believed Council had received an email copy. She asked if they would you like the petition. She advised there had been a couple more signatures. There were multiple reasons why residents in the area surrounding the properties in question had concerns about the change in zoning from R-2 to R-3, including the impact on schools and property values, but the most common concern that was brought up in every conversation she had with neighbors in the area was traffic. Currently during the busiest times of day, 16th Street NE and Cloninger Mill Road become very congested and turn into parking lots of traffic waiting to get through light cycles. At the same time, vehicles are trying to make lefthand turns through moving traffic to either enter or leave the multitude of neighborhoods that feed onto both roads. Changing the zoning from R-2 to R-3 for the two properties in question does not only affect that land. What had not been discussed in great detail was the fact that this land was bordered by another parcel, which Mr. Frazier just pointed out the infamous corner property with the dilapidated house that exceeded 14 acres and was currently zoned neighborhood commercial. Combining these three pieces of land would render a developer more than 28 acres of land upon which they were already seeking to build more than 230 townhomes. The impact of adding this number of dwellings at the corner of one of the busiest intersections in Northeast Hickory was a recipe for disaster. The City of Hickory Land Development Code stated that the medium density residential R-2 zoning district was composed of predominantly single family detached developments, which included a maximum of four dwelling units per acre. A quick look at the GIS map showed that all of the neighborhoods surrounding the properties in question, she referred to the PowerPoint and commented they could see pretty clearly on the picture there were at the same density or less, which was the four dwellings per acre. According to the Land Development Code the public infrastructure required for an R-2 type of development was automobile oriented. In reviewing the same document, the Land Development Code, regarding zoning districts, it stated that the medium density residential R-3 zoning district was composed of up to eight dwelling units per acre, although the rezoning analysis provided to the City by Mr. Yeargain suggested that it could include up to 10 dwelling units per acre. The Land Development Code clearly stated that this R-3 zoning district required public infrastructure that included increased transportation options such as pedestrian, bicycle, and transit. It did not include language similar to the R-2 description, which was automobile oriented. For any Council members who do not regularly travel 16th Street NE, or Cloninger Mill Road, they were not pedestrian, bicycle, or transit friendly. In fact, she walked along 16th Street NE to speak with neighbors about the petition and felt very unsafe. There were no sidewalks nor enough shoulder for walking. Her family once attempted to walk along Cloninger Mill Road, and she said that they only tried that once for the same reason. Just trying to cross Cloninger Mill Road to extend their walking path on occasion was often a harrowing experience as vehicles exit the intersection at the light and fly towards route 127. To be clear these roads were not safe for pedestrians or bicyclists and the bus system does not come anywhere close to the area. The City's Land Development Code clearly showed that an R-3 zoned property should include non-automobile-oriented forms of transportation, such as sidewalks, bicycle lanes and access to public transit. None of these exist. As a result, any dwellings built on these pieces of property would have to rely upon automobile transportation, thus adding to the already overwhelmed infrastructure. The change to R-3 zoning was not in line with the City's current Land Development Code. This reason alone should be enough for members of City Council to vote no on approving this zoning request. When Council members review the Hickory Regional Planning Commission zoning map amendment consistency statement specifically, number five, which said public infrastructure currently in place in the area was sufficient to handle the type of development possible on the subject property. She asked them to consider how was this known. What studies were done to show that this was true? The Planning Commission stated repeatedly during the meeting on February 23rd that it was not their job to make sure all of these issues with traffic and safety would be cared for. That was your job City Council. The Planning Commission did not request any studies, nor did they discuss any past studies during the meeting. She had not seen any studies included in this evening's package. It was not clear to her how the Planning Commission could include such a statement in their report when there was no supporting evidence available. It was her understanding that the Department of Transportation was currently low on funds and with the increasing cost of fuel, the situation would not improve. Who was going to pay for upgrades to the current infrastructure? Given the City's Land Development Code description of transportation requirements for R-3 zoned

properties along with the lack of similarly zoned properties surrounding the two in question and the lack of infrastructure available in the area it was clear that the zoning requests should be opposed. She thanked Council.

Mayor Guess thanked Council.

Ms. Krueger submitted the petition to the Clerk.

Mayor Guess called Ms. Pam Freeman to the podium to speak in opposition.

Ms. Pamela Freeman, 3620 14th Street NE, Sandy Ridge Acres, referred to the PowerPoint map and pointed out her property. It was her understanding that this street, which was a dead-end street, at this time was not being proposed as an outlet, but that could change later. She guessed that would have to be a whole other meeting. Her concern was, she was the one that has the runoff problem. She had photos that she wished to submit after her presentation. She pointed out her property on the PowerPoint and noted an underground spring or at least one of them. She pointed out there was a creek that runs from this other side with deep banks, it runs all the way down through their neighborhood and into Falling Creek Estates. The underground spring started in her yard, and it was at a low point. If they see the grading of three sides, which all through here right now there were no homes there, so the ground could soak up the rain and she still has a problem. Her concern was when it was 8-10 units per acre, the amount of extra concrete and asphalt would make her house flood. So far, they have it fixed so it would not. They would see her pictures. She advised the pictures were taken November 12, 2020, 2-hours after the storm stopped and she still had a river in her yard. She advised she was in the City limits; would this be in the City limits?

Mayor Guess informed Ms. Freeman, they could get her an answer to her question, but they were not prepared to answer questions from the podium.

Ms. Freeman understood from Neill Grading that they would do some grading, but still with the amount of concrete and asphalt she was concerned without storm drains in the road that her property and her house would flood. She reiterated that she had pictures that illustrated her problem. She had labeled the back of them when they were taken.

Mayor Guess instructed Ms. Freeman to give the photos to the Clerk.

Ms. Freeman submitted the photos. The first three were through her yard and all the other ones she pointed out the area where the water comes from on the PowerPoint. They were actual streams. She advised she had a pretty good-sized river when they get hard rains. Her parents bought that lot in 1970 and in the 55 years water had only come in one time and that was in June of 2019 when there it was a big rain and there was a lot of flooding and that was just a freak thing because a limb funneled it in. She wished that Council would consider that not increasing to so many extra units per acre because that was just going to be more concrete and asphalt and runoff. She thanked Council.

Mayor Guess asked Ms. Julie Caldwell to the podium.

Ms. Julie Caldwell, 3621 14th Street NE, advised she lived beside Pam Freeman. Their biggest concern was the traffic, and they were on the dead-end street so even the City trucks, garbage trucks were having a hard time backing down that street. All of the houses around them were spread out. Putting apartments there would just not look right with everybody else's dwellings. Basically, it was just more traffic. That was the biggest concern like the other lady was saying, it was a speedway type deal with traffic because everybody was trying to get through. Them putting more apartments that just creates more and more traffic. Their concern was the dead-end street and having big equipment coming through trying to get through there and all the other houses. Keep it like it was as building normal houses and not duplexes and apartments.

Mayor Guess thanked Ms. Caldwell. He commented signed up to speak in favor was Mr. Yeargain.

PROPOSER

Mr. Eric Yeargain, 898 38th Ave NE, Hickory, advised he was delighted to address some of the neighbor's concerns, which most of which were pretty low hanging fruit, and they were kind of excited about a lane. Ms. Krueger's comments were largely surrounding existing conditions with traffic and the lack of sidewalks and some of Ms. Freeman's, for example, were surrounding access off

of 13th Street. There had been stormwater runoff concerns, flooding concerns. To start at the beginning and address some of the preliminary questions about infrastructure who was going to pay for it? Well, the developer pays for it. That was the answer. They had already spoken with NCDOT (North Carolina Department of Transportation) and presented a preliminary rough sketch which was certainly subject to change and much like the development they did on Startown Road at Preston Ridge, DOT required them to do a full width expansion and overlay. They added a fullwidth turn lane, left turns, right turns, decelerating lanes. It was a full width overlay and restriping at considerable expense, but that was necessary to facilitate the continued safe and orderly flow of traffic and safe ingress and egress in and out of the project. They expect nothing different here. There had already been discussions about improving the existing conditions here by creating and widening here, adding a left turn lane on 16th Street and a corresponding right decelerating in this area as well to facilitate that orderly flow. They anticipate that this was not going to represent an exacerbation of an existing condition, but rather a net improvement. The development team was prepared to bear the onus of that expense. As far as some of the runoff concerns, he did have the opportunity to speak in great detail with Ms. Freeman after the Hickory Regional Planning Commission meeting and her existing condition of floodwaters that she was concerned about, they could not see the topography expressed in this area, but that was a really high spot. It was a big hill. There was 3-4 acres of water that unabated sheet flows down into her place. They intended to do, again, represented an improvement, not an exacerbation to this, this hill was going to be cut down, and leveled out. And as far as storm water goes, most of them were well aware of the fact that their plans were going to require fully permitted stormwater design and management. There would be catch basins, stormwater detention ponds and the added impervious area would represent a net improvement to the stormwater runoffs. They felt like some of the concerns about the product type, which incidentally, just for the record were not apartments and they were not duplexes, they were fee simple ownership townhomes that were being contemplated for this area here. Finally, just to touch on a couple of other comments about school capacity, House Bill 13 back in 2017, maxed out student teacher ratios at 20 for the State of North Carolina. Catawba County currently averages 16 to 1 and in this area right here, it was below that, it was in the 15.6 area, and they knew that the Council was well aware of that. There were three open jobs for every employment opportunity in this City right now and there was no place for people to live. What they aim to do as an extension of previous developments was trying to create a healthy balance of the product types and the price points. They have developed some class "A" apartments that had been successful. They were developing a 300 home, single family residential first-time and second step-up subdivision on the south end of town and this represented the type of diversity in housing choices that they felt like the community needs to hit that slot and that gap for both product types and price points to create that healthy balance. He asked for any questions.

Mayor Guess thanked Mr. Yeargain. He advised he would allow anyone who would like to rebuttal against, up to five minutes.

REBUTTAL

Ms. Jen Krueger, 3901 12th Street NE, advised she just had bullet points, she asked them to excuse her for going through it that way. Mr. Yeargain talked about the developer paying for the infrastructure, but the question was how far down 16th Street northeast, how far down Cloninger Mill Road, how far down towards Snow Creek and Kool Park Road were they going to cover with regards to infrastructure. She lives at Cloninger Mill, The Falls at Cloninger Mill, she pointed out the neighborhood on the PowerPoint, and advised it was already next to impossible to come out here during busy times of the day if they were going to turn left. She asked was the developer going to come the whole way down and deal with the influx of traffic. If they build over 230 townhomes, which was her understanding, she could not get specifics from anybody, that was at least 230 more cars coming out of a neighborhood right next to hers. Probably more than 230 vehicles. R-3 again was not automobile oriented. It was not intended to be automobile oriented. She asked if they were going to have the busses come that far. What was going to happen to the infrastructure if there were bus stops along these roads? Are they going to put bike lanes outside of this development and sidewalks the whole way down to where somebody might need to get to a grocery store? She did not hear anything about that, but she did not understand the City of Hickory was designed in such a way that all of these neighborhoods have at least a quarter acre lot or more. All of these neighborhoods are single family homes, and they had the opportunity to use the R-2 zoning that was currently there in order to put additional homes in. They do not have to be big fancy homes; they could still be single family homes with different price ranges. Not far down the road as you go 16th Street, she was not sure exactly where the

cut off was, but Snow Creek Road, they were working on building 100 townhomes that were right on top of each other. So now you have another probably at least 200 vehicles and more kids going to the schools. This decision was not just about that little piece of property that was outlined in red, it was a much bigger decision, and the impact was far wider than just that little area. She concluded her rebuttal and thanked Council for their time.

Mayor Guess asked if anyone else wished to rebuttal. No one else appeared. He asked if anyone wished to surrebuttal.

SURREBUTTAL

Mr. Eric Yeargain addressed the majority of Ms. Krueger's concerns. He thought they were referring to existing conditions. He was not sure how great of an onus would be placed on the developers but there customarily had been and frequently been in many cases as they present design to the City requirements for sidewalks in various areas and they anticipate that, and it may be the case along some of the frontage within this as well. The City's plan review department would dictate that. As far as the offsite improvements and the extent of those boundaries the DOT would determine that. None of them in this room could say how far that goes. They kind of dictate where they think widenings and additional turn lanes and all that need to happen as they look at this more global plan, but he would certainly be happy as plans start to come into more focus to communicate with some of the citizens and their development partners in this deal to be good neighbors and do their best within reason to accommodate some of the concerns.

Mayor Guess advised that was everyone that signed up to speak in reference to this public hearing. He declared the public hearing closed and asked if there was any discussion or a motion from Council.

Alderman Wood asked Planning Director Brian Frazier to the podium. He asked if he was correct in understanding if this was developed piecemeal with single family homes milled one after the other, that the standard for runoff, traffic, those types of things, those items would not have to be addressed like there were in a development like this. He asked if that was correct.

Planning Director Brian Frazier asked if they were doing a large subdivision.

Alderman Wood clarified if it was piecemeal.

Planning Director Brian Frazier advised if it was piecemeal, no.

Alderman Wood commented this was held to a higher standard in terms of storm drainage and those types of things.

Planning Director Brian Frazier advised there was going to be close to 10 City departments looking at this, County soil and erosion control as well as State DOT would be looking at this.

Alderman Wood questioned if DOT owned Sandy Ridge and Cloninger Mill.

Planning Director Brian Frazier replied that was his understanding.

Alderman Wood thanked Mr. Frazier.

Mayor Guess asked for any further discussion from Council.

Alderwoman Patton moved, seconded by Alderman Seaver approval of rezoning petition 22-05. The motion carried unanimously.

ORDINANCE NO. 22-13

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 13.7 ACRES OF PROPERTY LOCATED NEAR THE SOUTHWESTERN CORNER OF CLONINGER MILL ROAD AND 16TH STREET NE FROM R-2 RESIDENTIAL TO R-3 RESIDENTIAL.

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the City has been petitioned to rezone +/- 13.7 acres of property located near the southwestern corner of Cloninger Mill Road and 16th Street NE,

more particularly described on Exhibit “A” attached hereto, to allow a R-3 Residential; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 23, 2022, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare; and

WHEREAS, the City Council has found Petition 22-05 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTY LOCATED NEAR THE SOUTHWESTERN CORNER OF CLONINGER MILL ROAD AND 16TH STREET NE, DESCRIBED IN EXHIBIT “A” IS APPROVED.

SECTION 1. Findings of fact.

1. The subject property is located near the southwestern corner of Cloninger Mill Road and 16th Street NE and identified as PINs 3714-12-96-0319 and 3714-12-86-6394.
2. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
3. The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

SECTION 2. All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

1. Consistency of the proposed zoning with the Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030) and the stated Purpose and Intent of this Land Development Code;

The general area is classified Medium Density Residential by the Hickory by Choice 2030 Comprehensive Plan.

The Hickory by Choice 2030 Comprehensive Plan states the following about Medium Density Residential areas: “... will expand existing single-family housing character in the city and they will provide a medium density housing option where the gross density would be approximately six (6) to eight (8) unit per acre”. (HBC 2030, Pg. 3.9)

The R-3 zoning district is also listed as an implementing zoning district for the Medium-Density Residential classification. The R-3 district permits densities in line with the plan’s recommendations.

Given these factors, the rezoning of the property to R-3 Residential should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

Given these factors, the rezoning of the property to R-2 Residential should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) comprehensive Plan.

2. The Medium-Density Residential classification is intended to provide locations for residential development at an intensity of 6 to 8 units per acre.
3. R-3 Residential zoning district’s permissible density adheres to the recommendations for areas classified as Medium-Density Residential by the Hickory by Choice 2030 Comprehensive Plan.
4. Any and all improvements that are to take place on the property will be required to follow all applicable development regulations.

5. Sufficient public infrastructure is currently in place to handle the type of development possible on the subject property.
6. Any future development that takes place on the subject property will be regulated by current and future development standards duly adopted by the City of Hickory and the State of North Carolina; and
7. Any future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property owners are properly protected as prescribed by law.

Based upon these findings, the Hickory City Council has found Rezoning Petition 22-05 to be reasonable, but inconsistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

3. Approved on First Reading Rezoning Petition (RZ) 22-03, Rezoning of approximately 19.5 Acres of Property Located at 4331 and 4405 North Center Street from R-2 Residential to Planned Development (PD), Identified as PIN 3715-18-30-6570 – Presentation by Planning Director Brian Frazier.

Lat Purser and Associates, Inc., agent for the Horse Barn LLC, submitted a petition requesting the consideration of rezoning property located at 4331 and 4405 North Center Street NE from R-2 Residential to Planned Development (PD). The 19.424-acre property is zoned R-2 Residential, which permits detached single-family residential uses at a density of two dwelling units per acre. The petitioner has requested the property be rezoned to a residential planned development (PD). The planned development plan submitted as part of the petition, depicts a build-out plan for 210 dwelling units. The proposed units consist of apartments and townhomes, which are proposed at a density of approximately ten units per acre. The Hickory Regional Planning Commission conducted a public hearing on February 23, 2022, to consider the petition. During the public hearing, the developer's representative provided the Commission with an overview of the proposed development. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted (6-2) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 4 and March 11, 2022.

City Manager Warren Wood asked Planning Director Brian Frazier back to the podium to discuss Rezoning Petition (RZ) 22-03, rezoning of approximately 19.5 acres of property located at 4331 and 4405 North Center Street from R-2 Residential to Planned Development (PD).

Planning Director Brian Frazier presented a PowerPoint presentation. He discussed rezoning petition 22-03. The property owners were The Horse Barn LLC. The applicant was Lat Purser and Associates. City Manager Warren Wood gave the addresses on 127 North. The current zoning was R-2. The property size was just under 19.5 total acres. The subject property again was currently zoned R-2 residential. The most recent use of the property, for lack of a better term, was animal husbandry. The current zoning district permits residential uses at a density of four dwelling units per acre. The property owner through their authorized agent, Lat Purser and Associates was requesting rezoning of the property from R-2 residential two PD, which was planned development. He referred to the PowerPoint and displayed the future land use map. He pointed out the rezoning area close to 19.5 acres. He pointed out neighborhood mixed use around the intersection, North Center Street or 127 going northward towards the lake, Cloninger Mill Road, Bruce Meisner Park, and the City's Northeast Wastewater Treatment Plant. He advised in this area the plan at the time called for low density residential, and medium density to the south and east. He displayed the current zoning map and pointed out 127, the property in question, which was R-2, some neighborhood core area, R-1 to the north and east, and PD planned developments areas. He displayed an aerial of the property in question and pointed out North Center Street, Lake Hickory, and one of the coves. Mr. Frazier gave examples of what was permitted currently in the R-2 which would be single family homes detached, family care homes, accessory dwelling units,

religious institutions, and schools. He discussed what was permitted in the PD. PDs were approved on a case-by-case basis, and they were strictly tied to the site plans submitted by the applicant for approval. No uses beyond what had been, or if approved, would be allowed without starting from scratch. He displayed a sketch/plan for the development in question. He believed that this had been slightly updated by Lat Purser and Associates and they would be getting to that in their presentation later in the meeting. He believed this had been slightly modified. He referred to the PowerPoint displaying drawings and advised it was some of the building elevations, the architectural designs for the different housing types that were proposed by the applicant and the proposed development density, the building type, the unit type, and the unit count. The total proposed now had dropped to 210 total units of the various housing forms. The area again by Hickory by Choice was classified as low density residential. That classification was intended to provide an area of transition between higher density housing and the surrounding area by offering development at 2-4 units per acre. The proposed planned development was designed at a density of plus or minus 10 units per acre, which was indeed higher than the densities recommended by the Comprehensive Plan during its last update almost two years ago. The 2030 plan was intended to be a dynamic document. It was a blueprint for growth. It was not law, and it was revised as needed over time. Staff was currently working on the five-year revision to that. The plan itself had not been significantly updated for the past two years due to the COVID-19 pandemic, specifically resulting in a substantial delay at the time for the obtainable census data for this decennial census 2020. Those numbers had been coming in. In a recent analysis by staff of the numbers that had come in so far for the 2020 census definitely confirmed that the City's population and workforce was growing at a significant rate. He believed in the last 10 years, since the last decennial census, the City's population was up over eight percent which for this area was pretty tremendous growth. There was a clear and substantial need for additional housing units of varied forms to accommodate the growing population and the labor force in Hickory. Given these standards, the rezoning of the property to planned development should be considered consistent with the findings and recommendations of the Hickory by Choice 2030 Plan. He referred to the PowerPoint and advised the bullets were the criteria within the plan. The area under consideration for rezoning under the Comprehensive Plan was designed for a future residential area with densities between two and four units an acre. The next criteria, all improvements to take place on the property should it be rezoned to PD would be required to follow all City, County, State and Federal development regulations. Hickory by Choice notes to employ strategic street planning to enhance and complement adjoining uses and provide visual continuity along corridors and within centers. Hickory by Choice also notes minimize the impacts of new development through public amenities and landscaping, promote land use patterns that ensure efficiency and service provision, as well as the wise use of fiscal resources and government expenditures. This was again another criterion in Hickory by Choice (HBC) 2030. The subject property had access to a State maintained roadway, NC 127, as well as existing water and sewer infrastructure at least upon annexation, which would come down the road if this project was rezoned. Staff had also verified that all other public services were available and would not be diminished with the future development of the subject property as intended this evening. Regulate the type and intensity of development. The current land use pattern of the larger area does primarily consist of single-family dwellings. Hickory by Choice notes given review roadway standards with DOT (Department of Transportation) to ensure roadways meet local, regional, and State goals. Ensure protection from fire, flood, and other dangers. Any future development of the property would be required by law to adhere again to all Federal, State regulations, and local building code, fire code, building code, phase two stormwater, watershed and flood zone related development regulations at the City, County, State, and Federal levels.

Mr. Frazier discussed the suitability of the subject properties for the uses under the existing and proposed zoning classification. The current land use pattern of the area was largely single family residential, both attached and detached meaning single family homes as well as attached townhomes. The rezoning proposal contained both uses but also further contained multifamily residential or apartments. He discussed Hickory by Choice objectives giving examples: promote diversity and affordability and housing type; accommodate a diverse housing stock to meet an increasingly diverse community; provide a variety of housing options to meet the needs of all residents of the City; ensure compatibility between single family residential and higher density residential and non-residential land uses; and provide housing options for aging in place. Mr. Frazier discussed the extent to which zoning would detrimentally affect properties within the general vicinity of the subject area. The requested PD was both similar and dissimilar to the existing development in the vicinity. All proposed

uses were residential in nature. PD would allow commercial or mixed use residential and commercial, but this was strictly residential in nature, but with varying forms and density of housing types. Public services necessary to protect the proposed development were already in place. If the proposal was approved, any deficiencies would be upgraded and paid for by the developer in a manner satisfactory to the City of Hickory to the extent to which the proposed amendment would cause public services, roadway, storm water management, water, sewer, fire, police protection to fall below acceptable levels. Public resources to provide critical public services were in place or would be improved upon to service the area. These services included public utilities, transportation, infrastructure, police, as well as fire protection. The proposed amendment zoning map would protect the public health, safety, and general welfare. The subject property was located within an area where the Hickory by Choice 2030 Comp Plan anticipated continued residential development. The future use of the property was residential. Any development that occurs on the property as a result of a zoning map amendment would be required to adhere to all the regulations listed.

Mr. Frazier discussed the findings and recommendations. The Planning Commission conducted a public hearing in February to consider the petition. During the hearing the developer's representative provided the Commission with an overview of the proposed development. Three other citizens spoke in favor of the petition and over a dozen residents at the time spoke in opposition to the petition, citing concerns regarding such things as stormwater runoff, property values, traffic, including lack of public transportation, school enrollment, loss of plant species, vegetative buffers and fencing, density, criminal activity, antisemitism came up in a discussion, the fact that these are rental properties and not homeownership, neighborhood characteristic, transients and there was a concern about pet droppings entering the watershed and entering specifically to the lake. Upon closing the hearing, the Planning Commission acknowledged the petitions consistency with Hickory by Choice 2030 and based upon the findings, the Planning Commission voted 6-2 to recommend approval of the petition. Again, one member was excused. Staff concurred with the recommendations of the Planning Commission. He advised the applicants had slides just following his last slide of the rezoning petition. He asked for any questions.

Mayor Guess asked Council for any questions.

Alderman Wood asked if he could explain to him how the number of entry and exit points were determined and the location of those into a subdivision like this.

Planning Director Brian Frazier advised in this case there was a City maintained street and there was a State Highway 127. Whether the State DOT would require a transportation improvement analysis or not, he did know. The developer was showing a point of access from 42nd, which was City maintained as well as two access points on 127. Some individuals have talked about could they get rid of the one access point within Moore's Ferry on the City road of 42nd. But because they were looking at over 200 dwelling units in total of the varying forms the City's Land Development Code required three points of access. In this case the developers were showing two on 127 and one on a City street. He did not believe, and it would be further down the road that DOT would get more involved. He had not really talked to them at any length of time. But just with the spacing he believed it would be impossible for DOT to approve three access points slowly on 127 because they would interfere with traffic flow, and they would not be far enough apart in distance to meet DOT standards.

Alderman Patton noticed on the stormwater on the drawing, that was presented, that they had their retention ponds.

Planning Director Brian Frazier replied, yes ma'am.

Alderman Patton commented in doing so they are actually preserving so that the water runoff was no greater it was mitigated.

Planning Director Brian Frazier advised it could not be any greater, she was correct, with the new development. It would have to be mitigated and that was why they have those stormwater ponds or known as BMPs.

Alderman Patton advised she would go back to Alderman Wood's comments, if they were allowed to build just individual homes on it, none of that would occur. So that runoff would actually be greater.

Planning Director Brian Frazier commented if it was individual homes. If it was a single-family residential subdivision which was like what they see in the older Moore's Ferry, the newer Moore's Ferry, and the newer townhomes in the past

several years. They would have to also abide by State and Federal stormwater regulations and runoff, but for an individual home no.

Alderwoman Williams commented regarding the latest designs, were they going to hear an update from the developer.

Planning Director Brian Frazier believed so.

Alderwoman Williams commented to address some of these issues.

Mayor Guess asked for any further questions for Mr. Frazier. He thanked Mr. Frazier.

A citizen in the audience asked if they dropped the total to 200.

Mayor Guess advised the citizen they would get to the public hearing in just a few minutes. Mayor Guess assured everyone that he and the Council members had received emails and letters, and in some cases phone calls and personal visits from those who may oppose this rezoning and also from those who were in favor of this rezoning. He could assure everyone that all the correspondences that they had received had been circulated and reviewed and considered by each member of Council. Some folks had come in since he explained the rules at the beginning of the first public hearing. He reiterated that once they open the public hearing, those who have signed up to speak against this rezoning would be allowed to speak first collectively total they would be allowed 15 minutes. Those who would like to speak in favor would be allowed the same amount of time and if necessary, they would allow up to five minutes for rebuttal and five minutes for surrebuttal. He pointed out that in this public hearing four people were speaking against and five people speaking in favor.

City Manager Warren Wood interjected if there was time, there may have been people that came in on both sides that want to speak that did not sign-up.

Mayor Guess commented the point being that it was 15 minutes for each side total. He reminded everyone that it would be to their benefit timewise not to repeat anything or something that someone had already stated. That was just a suggestion. He reiterated they would allow those that would like to speak against the first opportunity to be able to do that.

City Attorney John Crone suggested that Mayor Guess reiterate the rules of courtesy and decorum that he went over earlier.

Mayor Guess hoped that would not be necessary, but he asked that no matter whether or not they were speaking in opposition or in favor they expected everyone to be courteous and respectful of the other person's stance. He reiterated that he would not allow any disruptions. This meant no signs, no clapping, no cheering, no jeering, no comments made from their seats, or any other outburst deemed disruptive to this meeting. He appreciated so far how the public hearings had been addressed and received. He asked that the rest of them would follow suit with that. He thought that was very clear and everyone understood what the rules were. He declared the public hearing open and asked Ms. Kim Clarke to the podium to speak in opposition.

OPPONENT

Ms. Kim Clarke, 4399 3rd Street Court NW, advised she read the Hickory by Choice 2030 Plan and she outlined some points. The plan stated "While Hickory is a diverse place, residents appreciate harmony. As the City manages development it should keep in mind that balance and compatibility are important characteristics. This guides the designation of land uses on a comprehensive plan map. It informs zoning district standards and shapes land use and subdivision approvals. New uses must fit in respecting the context in which they are set". This was 210 units of rental properties surrounded by single family mortgaged homes. This was a high-density development crammed into a smaller parcel of land that would cause congestion in an area where traffic travels through. She asked Council to think about the change of this peaceful area of North 127. They were out of the congestion area that was from Lowe's grocery on 29th Avenue and south. They have high traffic that already moves along 127, but this development would bring the congestion to their residential neighborhoods on both sides. Why do the runners predominantly run north? Because it was peaceful. Cycling, which the Hickory by Choice Plan mentioned numerous times with the desired intent has now become more dangerous with existing traffic. It would become impossible to cycle within Hickory City limits. She was a cyclist. They like to ride the Tuesday/Thursday group rides with Rock

and Road and this development along with others would make traffic even more of a nightmare. An important concern was how these units would increase the cars on 127. The potholes right now cannot even handle the existing traffic, they were collapsing. How will they hold up with a substantial increase? There were approximately, maybe another 1,000 cars to be added daily to 127. She did not think that was an overstatement with all of the potential numerous high-density developments that they were talking about tonight. Population growth should be to improve an area, not just to reap the tax revenue. The seller had this offer and just because this offer exists does not mean it was the best for Hickory. This plan was not the best interest for the Northwest sector of Hickory. On page 51 of the housing goals, goals one and two "provide diverse housing options suited to neighborhood character and sustain and enhance existing neighborhoods". This development did neither of these. It would dramatically alter the northwest area and it was the complete opposite of what exists now. Hickory was growing. There was a need for residential housing, but the answer cannot simply be to put planned developments into every available lot that they have. They must, as Hickory by Choice Plan states in its opening paragraph, "to shape and leverage, strategically serving the long-range health, safety, and welfare of the community". What was the projected growth in units of housing for the next 3-5 years? At the Planning Committee, there were four petitions as there were tonight. What had already been approved? It seemed that projected growth of numerous developments would actually turn Hickory into an overcrowded city and ruin the town that they know and love. The red barn project required a rezoning, and she was asking them to see the pitfalls this may have, would have, and to vote no to the rezoning. Let us not turn Hickory itself into a planned development. Was the desire to maximize people in order to increase tax revenue or should they plan responsibly? The amount of people that were against this plan far outweighed the ones that were for it. She asked them to vote no.

Mayor Guess thanked Ms. Clarke.

City Attorney John Crone asked Deputy City Clerk Crystal Mundy how much time remained.

Deputy City Clerk Crystal Mundy advised 10 minutes and 41 seconds.

Mr. John Clarke, 4399 3rd Street Court NW, commented his wife spoke very eloquently, he thought. He advised he wanted to backup. He and his family had been cyclist all along, for the past decade or so. He could say from now on even today, even today before they break ground on this proposed development, cycling in Hickory on the north end was probably crushed completely. And this development was going to further put the last nail in the coffin. You could no longer safely ride your bike on 127 to cross the bridge and make your way to Taylorsville in Bethlehem to find some nice rural road that maybe you would not get hit by a truck or a car. That was gone. The bikes that were in his garage, if he was going to ride them, he would need to put them in the back of his car and tote them to some other part of the County to enjoy that particular sport. It was already gone. If they put this property on there, it would be impossible to even contemplate running, walking, riding a bicycle. It just would not happen. There were a couple of other issues. The last time he spoke at the Planning Commission meeting, they talked a little bit about runoff and the retainment ponds. There were a couple of issues. Alderwoman Patton had asked a question about whether it was going to be suitable if they did not have the planned development. They stuck with the R-2, which currently was the zoning. They would not have nearly the amount of impervious topographical surface that would not let the water just drain it. There would be a completely different scenario. There would some math there. He did not think this was going to improve that situation that they currently have. They recently, a couple years ago, they had a tax increase on the property taxes to promote the Hickory 2030 plan and that included cycling and bike lanes and riverwalk areas. Things that were going to beautify and enhance the City and invite people to come in move into their neighborhoods. Now it seems like they have that process in motion where they were now changing the law, changing the plan, to accommodate completely different ideas. They flooded the notion, hey, they were going to have all this cycling and biking and calmness and beautification of their City, but now they were going to replace it with planned development, high density planned development. To change this R-2 to planned development in this particular area was even more duplicitous. Back in 1980s, 1990s when Moore's Ferry was started that was R-2. Somebody thought it would be a good idea to have a high density, high quality, high residential area, and Moore's Ferry began. It took a couple of decades for people. They bought up all the properties, invested in those houses, invested in that land, invested in architecture, and building contractors and attached to each one of those titles, were rather some strict covenants. Their house was going to be so many square feet at the minimum,

they were going to have to meet certain other requirements and people say, hey, that was fine because they were going to take their hard-earned income and they were going to drop it in this land and build a house make Hickory their home and they were going to have some degree of protection. They got a protection, something like a planned development, which was just going to be a blot right in the middle of this low-density area. They were just going to completely change the character of this neighborhood. It was going to be dramatic. He did not think this was an appropriate place. He was talking about rental property at the Planning Commission meeting and his comments were completely maligned by some of the members on that board. He was rather irritated to hear some of their closing comments because they took his comments about rental property, which was what this property was. They talked about it being residential. He wanted to focus on the fact that it was rental property. They were talking transient people, people that were not necessarily here for the long term. They were coming in, and they were going to get a taste of Hickory and move in for six months, maybe a year, figure if they were going to stay, depending on their jobs, and then they would stay or maybe they would move on. They were not going to have the roots and they made the decision to make this their home as was done by the people that bought those lands and built those homes and created Moore's Ferry to what it was today. That was going to change this fantastically. Simply because they were going to change the plan to accommodate this planned development seems rather duplicitous because the people that made that investment, they did so with those protections in mind. And now all of a sudden, what was it, just time to cash out. They got Moore's Ferry completely built. The lots are all gone except for one or two. Now they were going to change the rules and they were going to have to deal with the traffic issues and the water runoff and the changes that might occur to the lake itself. He just did not think this rental property was right in this area. When he moved here, he moved into a rental property just down the road on 127 and lived there for 18 months while he built his house. There were rental properties here for people that need that type of living, that option exists for them. He did not think this was the right spot to put this high density residential rental property development in the midst of this other, the current Moore's Ferry. It just did not fit. There was no harmony and it there were plenty of contradictions in the notion of putting this plan and changing their zoning to meet the Hickory 2030 Plan. He thanked Council.

Mayor Guess thanked Mr. Clarke. He called former Councilman Bruce Meisner to the podium.

Mr. Bruce Meisner, 4394 1st Street Drive NW, advised he sat at the Planning Commission and saw five rezoning petitions. They saw two previous ones tonight. The first sentence in most of these was, was it consistent with Hickory by Choice. Now when he was at the Planning Commission, he was going, why are they here? It was not even consistent with Hickory by Choice. It was R-2 going to planned development. How could they tell him that two units per acre was anywhere consistent with 10? That was five times more. Five times greater. These people that were speaking here against some of the other ones, were upset that it was four, this was 10 times what was permitted. He shared a little residential trend. Several condo units and townhome units in their area are currently limiting the number of rental units in these projects. There was probably a half dozen and Colony Square just completed theirs. He asked if they knew that the property right across the street from this property, Timberwood was trying to limit their rental units from what they have now to only 25 percent. Yet the City Council wanted to dump 210 units in front of Moore's Ferry's porch. If they believed in their hearts that two units per acre was consistent with 10 then they just need to throw away Hickory by Choice. It was just a numbers game then and they would prostitute Hickory's lands to the highest bidder with willy-nilly planning and zoning. He commented they were going to set a precedent if they passed this. He thanked Council.

Mayor Guess called Mr. Scott Browning to the podium.

Mr. Scott Browning, 4420 3rd Street Court NW, commended Council for a wonderful job. He recently moved here a couple of years ago. The reason he moved here was because of what they had done to Hickory and the way they had done it. The reason he was present tonight was because he was concerned, actually a little bit disappointed to be honest with them. His main concern though was in regard to the safety of the residents of Hickory. That safety concern stemmed from Mr. Meisner's Park. It was sitting across the street, and they were getting ready to put a development here. He lives in Moore's Ferry, but they were getting ready to put apartments there and they were going to have a park across the street of a five-lane intersection that nobody could get to. The only way they could get to this park was to get in their car and drive there. He advised he had a potential solution to that. Hoping the developer, they were all

in this together just like the prayer said hopefully they were united in regard to what they were doing here, and he prayed for that. But either way he believed that it was reasonably accessible to say that if they could, he referred to the PowerPoint map, and pointed out an area that could be accessed to where there was actually a stop light area. They could have three entrances to this development without going into the 42nd Street entrance. What that would do was that would push the traffic to a stop light. What that would do was make it safer for everybody. When that happens, right about where that pond was on the right side, if they extend that road to the right that would take them over to the stoplight. He pointed out the location on the PowerPoint.

Deputy City Clerk Crystal Mundy called 15 minutes.

Mr. Browning continued that takes them to the stoplight and that makes it safer for everybody to cross the road whether they were in a car. He was disappointed with the development. He did not understand why the developer did not do this. The reason the developer did not do this was because there was a little ditch right there that he was going to have to cross, and it was going to be a little bit more expensive for him to cross that ditch to make this thing safer. He had also talked to DOT and to the Parks and Recreation Department with the City. The City Parks and Recreation said this was a great idea. But they also say this does not have anything to do with them, they do the parks. DOT says, "oh well it complies with our standards, they have three entrances we can't tell them to cross this ditch to make it safer for people, that's up to the City Council to do". The City Council was here to make this thing safe for people to access the park, to access the roads, the right way, etcetera. He was asking Council before they vote to change this thing was to get it back to the Planning Board and say Planning Board why did we not consider going over here. Because he did not think they did. He commented the developer certainly did because it was going to cost him more money but if they save a life because it costs more money to get to that stoplight it was well worth it. The 42nd Street entrance already had more traffic than it deserved.

Mayor Guess asked Mr. Browning if he had anything that had not already been said.

Mr. Browning responded well yeah; he had a lot of things that had not already been said.

Mayor Guess advised the 15 minutes had expired. He asked Mr. Browning to please wrap up his comments.

Mr. Browning commented he would wrap it up really quick. He talked to DOT, and this was the threshold coming into Hickory in this side of Hickory. The fact that the landscaping here, he would like for it to be more like Waterford. He trusted that the Council would do the right thing and he trusted the planning board was going to do the right thing, so that when they cross that bridge they say, "hey we're coming into Hickory". They were not looking at a big apartment building. They were looking at a little bit of green space with apartments in the back and everybody's living happily. He thanked Council.

Mayor Guess mentioned there were some folks that came in after they started the meeting. At this time, he was going to ask if there were any of those folks who came in after they started the meeting that did not have an opportunity to sign up that wanted to speak against this rezoning to let it be known by raising their hand, please. He advised there was one gentleman.

Mayor Guess moved to allow that one gentleman three minutes to speak in opposition and he would do the same thing if they run over for those that were in favor. Alderwoman Patton seconded the motion. The motion carried unanimously.

Mayor Guess asked the gentleman who raised his hand to the podium, and to state his name and address. After he had done so, they would give him three minutes to speak in opposition.

Mr. Mike Sigmon, 226 44th Avenue NW, in Moore's Ferry, commented he understand what they were doing. A couple of the concerns that he had that he mentioned before when he spoke, he was an astronomer and he thought this would very much come with a problem with light pollution for the extra apartments and things that were there. Looking at the City lights, coming from that direction, especially towards the south, that was one concern. He had already shared those with Mr. Jack, and he had been very helpful to look at that. The second thing he had was he thought it would hurt in terms of, as much as

Mr. Browning was stating, that the attitude that people have when they come across the bridge to see Hickory maybe for the first time and seeing the apartment buildings there instead of seeing the houses and everything else, most of the multifamily houses and the units were there. That was what that area was originally before. Mr. Meisner made a statement before, for years and years it had always been a point for the R-2 residential. And the fact that was the reason so many people bought in that neighborhood was because of the fact they wanted individual single-family homes and not rentals, but especially the apartments were the problems that he saw. He had a question earlier if they dropped the residential rate down to under 200 would they still need the three entrances. That was one. The last one was there were two things on the speech from before about the pet droppings and the excrement from the extra people. So many of the people would have animals in that area. If they were adding 210 units there, what was that going to do in the environmental effect for the river. What was it going to do in the environmental effect and the impact for the pets? There were dogs that have been up there now that come all the way down from where the horse barn was all the way down to the river and run loose in their neighborhood without any control. They were depositing stuff that was going to go directly into the river and have environmental effects. That was another thing that he saw. The safety, the safety of the residents, the safety of the people. The increased problems on the fire department, and the increased problems on the school and traffic as two of their neighbors, the Clarke's mentioned the fact, people move to that area in Moore's Ferry because of the fact that it was single family homes, because the fact it had the good transportation, it had the area for bike lanes and recreation. They have Bruce Meisner's Park across there now. What were they going to do if they throw in 200 more people, 200 more families in that neighborhood? How was that going to affect the problems? That was the things that he wanted to say. He thanked Council for giving him the opportunity to say that. He wanted to ask them to go back to the original point that Mr. Meisner said earlier about that.

Deputy City Clerk Crystal Mundy called 3 minutes.

Mayor Guess thanked Mr. Sigmon. He commented at this time they have five people who had signed up to speak in favor and the same rules applied to those speaking in favor. He reminded everyone that not repeating what someone else had said benefited them timewise. He asked Mr. Jack Levinson to the podium.

Mr. Jack Levinson, 4530 Park Road, Suite 410, Charlotte, advised he was present today, as well with Lat Purser. Lat Purser and Associates was a family-owned company that had been in business since 1961 and they operate in the commercial and multifamily sectors. For the past 16 of the 61 years, they had developed and managed multifamily projects in the Carolinas and Georgia. In Hickory, they developed the Preston Ridge multifamily and commercial across from CVCC which was a \$31 million dollar investment. Phase II for the Preston Ridge residential was projected to break ground this summer and would be over \$29 million. They were developing Hawks Ridge, which was 70,000 square feet of office related uses located at Catawba Valley Boulevard and Startown Road. They manage One North Center for the Looper folks next door to City Hall. The residential project before the Council today would be an investment over \$30 million dollars. The project would have high quality design characteristics to be harmonious with the surroundings. They do not develop cookie cutter design nor are they a tract builder that builds multiple housing units looking similar. This project would offer housing units of varied forms and include freestanding single-family cottages, single family townhomes, and boutique scale of multifamily flats. It was their intent to refurbish the existing barn, something that he believed folks would like to see, to allow for ancillary uses such as a lobby, their employee offices and community gathering spaces. They had held two community meetings, had multiple one on one meetings and multiple phone calls with nearby neighbors. Resulting from these meetings, they had included the following revisions on the site plan before them today. The overall density was reduced to 210 units. The rear setback had been increased from 30 feet to 50 feet where they have single family townhomes across from existing townhomes at Moore's Ferry. He referred to the PowerPoint displayed and pointed out the townhomes. He advised the location of the 50-foot buffers. He noted that the current zoning classification of R-2 the minimum setback was 25. They had doubled that setback to 50 feet. This was an example they thought where they were working to minimize the impact of a new development and ensure compatibility between the single family and their project. The townhome duets shown along the rear of the site were a maximum two-stories. The community voiced some concerns during one of their community meetings that these would be three stories. They had committed that these were only going to be two-stories and the townhome duets were similar to two townhomes under one roof as what they back up to in Moore's Ferry. They were working to minimize the

impact of a new development, ensure compatibility between their project and the adjacent neighborhood. They relocated the driveway and 42nd Avenue approximately 195 feet further away from the Moore's Ferry gatehouse structure as this was requested at a community meeting. And also regarding 42nd Avenue they stated in the recent Hickory Regional Planning Commission meeting that if the City and DOT approved, they could stripe the existing width of 42nd Avenue to have a dedicated right turn lane and left turn lane onto Highway 127. The striping would avoid a driver turning left onto Highway 127 to hold up a car or driver wanting to turn right on 127. They had worked with NCDOT to position the northern driveway on Highway 127 to align with 44th Street across 127. To a comment made by one of the earlier folks that spoke about access to the light, that was private property that they do not own or that they do not have access to. There was a private residential property and there was a Convenience Store that was located adjacent to that stoplight that was referenced earlier. The parking area lighting fixtures, which Mr. Sigmon mentioned earlier, they had referenced in their submittal that they would use the appropriate parking lot fixtures to minimize light being emitted directly to the sky. Regarding the dumpster corrals, they had committed to not place a corral in the paved parking spaces along the rear of the property. They had identified the excluded area where there would not be a corral in this area. Additionally, he discussed storm water. Residents in Moore's Ferry had expressed to them several times that there was an unfavorable situation with storm water in their neighborhood. Per their civil engineers, there were no storm quality or storm quantity measures in the neighborhood that was down gradient towards Lake Hickory. The stormwater was eventually collected in the street catch basins and ultimately released into the lake. Their engineers had described to them that single family lots of a certain size were not required to have the storm mitigation controls. Their project would be regulated for both the storm water quality and storm water quantity. He pointed out to them and to everyone this should be important, the storm quality measures they put in place would result in a cleaner environmental release into Lake Hickory. He discussed the home values in nearby neighborhoods. Their projects would not devalue existing homes. They do not see this happening in any projects of theirs in the Carolinas and Georgia. It was important to them as well that the value of the single-family houses near and around their site increased with the market and economic variables. He discussed criminals and sex offenders. That had been expressed to them that this was a concern. All residents in their projects were prequalified and screened for criminal background. They pay a third-party firm that handles the comprehensive background and screening on every applicant, and they knew that this particular process did not happen with a typical single family home site. It was more of a financial qualification. He discussed long term ownership vision. This had been questioned. They were long term owners. They could not guarantee that they would not sell, but since they had been doing multifamily for over 16 years, they had retained over 77 percent of their projects. It was expressed to them about the concerns of managing mosquitoes and they had committed in their plans that they submitted that, if there was a pond in a BMP location that retains water, they would aerate and circulate the water. There was a very good chance that there would not be water retained in these BMPs in between rain events. There was this thought that there were going to be ponds and wet and continuous. The reality was they would probably drain dry in between rain events. But if they do not, they made the commitment that they would aerate and circulate. He thanked Council for their favorable consideration.

Mayor Guess asked Mr. Larry Bowman to the podium.

Mr. Larry Bowman, 1043 Rolling Green Drive Newton, spoke in support of the petition. He was one of the five individuals who owned the subject property through The Horse Barn LLC entity. The ownership group acquired it in April of 2011, 11 years ago. Their plans had never been to develop it themselves but to hold it for development. It had been nearly 11 years and they believed that that time had come. They had been sensitive from the beginning of the neighborhood concerns. Within a month of acquiring the property he met with Moore's Ferry neighbors and received their input. A year later they removed the house from the site which had fallen into disrepair. They also then initiated, about one or two years after that, activity to have 42nd Avenue Drive NW taken over by the City and that was at the request of Moore's Ferry neighborhood. They had tried to be a good neighbor. He had two points that he would like to make regarding the development of the site. The first point was the high quality of the developer that they were working with on the sale of the land. Lat Purser and Associates was a well-known and respected Charlotte based developer. They did due diligence before entering into an agreement to sell and they were convinced that they would build a product worthy of the north Hickory location. They acknowledged that some of their Moore's Ferry neighbors preferred a different type of project. But after having held the property for 11 years, there had been ample time for another developer to step forward and develop a different product and that had

not happened. He had been impressed with how the developer had approached this process, as Mr. Jack Levinson had said, all the things that they had done, they had responded to City leaders, the City planners as well as community input, and revised their initial master concept several times. They were working to preserve the barn believing it was important to the community. Their construction consultant gave guidance that this was going to be costly and not practical, but the developers wanting to save the barn and repurpose it as part of the project, believing it was iconic in that part of town. They will build a quality construction product with a plan as Mr. Jack Levinson said to own it for the long term and they were committed to work to involve local partners as it was practical. He had one last point. His second point was this, there were other outcomes for this site that could use the current zoning and one of them was for the property to stand vacant. As the tenant had indicated that he may vacate sometime this year. Then there was a developer scenario, that which does not require rezoning for dense single-family homes. He heard Mr. Brian Frazier say as many as four per acre that would be an undetermined price, quality, and standards. They believed that the proposed development was a better outcome for all concerned. He encouraged Council to support the request. He thanked Council.

Mayor Guess asked former Councilmember Brad Lail to the podium.

Mr. Brad Lail, 1051 14th Avenue Drive NW Hickory, told his wife he was going to speak at the public hearing, and she said she was coming downtown and just walk around with a drink. For those that did not know the social district was now effective today. He congratulated Council on that. That was good work. He was here to speak in support of the rezoning. He tried to put himself in Council's seat as they heard those other rezonings. He thought this one was less difficult than some of the other rezonings, particularly the one that increased the intensity of use to a base under a base zoning district. He thought it went from R-2 to R-3. This takes the zoning district of R-2 and takes it to a planned development. He had served with all the Council members except rookie Alderman Wood. He knew that his time on Council they preferred planned development where possible, because it gives the City and as a consequence the citizens some amount of control over how the property was developed. Especially, he thought that it should be important to the neighbors and the travelers and motorists along 127, it gave the City some amount of aesthetic control which there would be none under a base zoning district. There was no control of quality, finishes, heights, colors, the sizes. None of that. North Carolina General Assembly does not allow regulation like that with single family homes. He wanted to speak to this notion of rental and owner occupied being incompatible. He thought the facts on the ground if they look around the State, that did not necessarily bare out. He thought there was plenty of very nice and high-end neighborhoods that have rental units in close proximity if not within the actual neighborhood in some areas of Charlotte and some of the major master developments. The big issue he thought might be the density. He thought if they look at this, this was why he said it was a lot less difficult than some of the other ones, 127, a State Road with a State route, which by the way actually increases its ability to be funded into a different tier what was called the regional tier, so it could access funds more easily than Cloninger Mill or Kool Park, Sandy Ridge or some of these other roads which were secondary roads. This was a major State thoroughfare, he thought it was five lanes wide at this point. The intensity of the use as proposed in his humble opinion was it was not a detriment to the citizens nor to the neighbors surrounding the property. He appreciated the opportunity to address Council.

Mayor Guess thanked Mr. Lail. He asked Mr. Cliff Moone to the podium.

Mr. Cliff Moone, 4340 North Center Street Unit 304, a part of Timberwood Townhomes, advised he was not here specifically as the President of the HOA, however, Mr. Meisner whose points he respects very, very much, and they had talked since then, he wanted to make a quick point that the Timberwood HOA Board had put before their Declaration of Covenants an Amendment before their folks, which had to be approved by 75 percent, as he said, to limit the number. He did not have the right number it was 20 percent. They have very good renters. But the problem there was that they do not compare on that side of the road, on northeast Hickory in Timberwood's planned development, to anything even of what was being proposed here for the cost of living there. Their renters were about at \$700 to \$800 a month.

City Manager Warren Wood advised Mayor Guess the other side went over seven minutes. He suggested Council give them equal amount of time.

Mayor Guess moved to continue the in favors time to be equal to those that were opposed, (seven minutes). Alderman Zagaroli seconded the motion. The motion carried unanimously.

Mr. Moone continued advising he attended the second of the two community meetings and he had been extremely impressed. He had been extremely impressed since then at the developer's willingness to respond to everyone in this process. He started out wondering if it was a good idea. He wanted to find out more and he went to those meetings and just watched that in motion. He had to say that he thought a lot of the concerns, and he respected so much his neighbors across the street, who had these concerns, particularly about the ingress and egress of 42nd and some others. He thought that maybe they were just over hyping it a little bit at a time when Hickory so badly needs these developments that they were developing right now. Go ask any real estate agent, they do not have places for people to go. They had people move into Timberwood and buy a place because they were really looking to buy a single-family home somewhere, as the gentleman said, and they did not get a chance to do that in the present market. He would say as many of them also knew that Hickory, just a few years ago, had the oldest housing stock in North Carolina and they had been in a real need for newer, more up to date housing of all kinds. This development would help in this regard. Finally, he supported this development because he thought it would positively impact the aesthetics at this end of northeast Hickory. He thought, and Mr. Bowman knew this, he thought that a dilapidated barn was not a good idea right there across from Moore's Ferry and he thought that having an open field was okay, if they had those horses in it, which was what his wife wanted in it, but she was not going to get it. So, he was just saying that the idea this would aesthetically improve all of that. He thanked Council for the time.

Mayor Guess asked Mr. Purser if he wished to speak. He declined to be heard. Mayor Guess asked if anyone else wished to speak in favor. No one else appeared.

REBUTTAL

Ms. Kim Clarke commented she was not going to let a good rebuttal go away. They were kind of caught up in appearance. She was sure this was going to be a beautiful building. Downtown it looks nice, she would give them that. It was a beautiful building but there was more than just appearance that they were talking about. They were talking about long range goals for Hickory. Do they want to just cram 210 units into every available lot here? Do we just want to create congestion on every little inch of 127? They have runners, cyclists, like they were saying, that want to go up and ride their bikes without being run over. They could not do any of that even now and now they were going to potentially put, like she said earlier, a 1,000 more cars on 127. Think about that for a moment because everybody in Hickory had to go on to 127. You live in this area, not on 70, but up in this area, you get on 127 within your day. And now they have got all these developments going up, 210 units that was not 210 cars. She just wanted Council to kind of think about the broad picture here. Yes, there was issues with drain and sewage and all those things and transportation, schooling, and all that, but think about the range of growth that Hickory wants to do and was going to do. She asked earlier, what was the projected growth in 3-5 years? They knew the answer, she did not. It just seems like they were in this little rush to like yes, go, go, go. Just because this offer was on the table did not mean it was the right one. She concluded her comments and thanked Council.

Mayor Guess asked if anyone else wished to speak in rebuttal against. He asked if anyone wished to speak in favor, surrebuttal.

SURREBUTTAL

Mr. Lat Purser, 4530 Park Road, Charlotte NC, commented on just a couple of things. He wanted to point out if they look at their projects in Charlotte, Plaza Midwood, and looking in Savannah, Augusta, and Greenville, the homes that were being built around them today, were over a million-dollar homes. It was not that they bring the neighborhood down. If you take their square footage costs and multiply it times a 4,000 square foot house, it would be close to a million dollars. The quality of these developments was very high quality. They do build them to own them. That was why they were excited about having a partner with Mr. Larry Bowman and others that might be up here and when they say 77 percent ownership, most of his competition was probably 25 percent ownership. They build and flip. That was why they do put the extra dollars into the development because they want to keep it long term. They do not want to be repairing stuff every 5,6, 7 years. He pointed out that on the traffic side, yes, that

was the toughest thing that they have to deal with. Charlotte has to deal with it, and Spartanburg. If you live up in Baltimore and you decide, you want to move down here to be with your grandchildren or close to your grandchildren, you could move in a year. You could not build a street in a year. You could not build infrastructure in a year. The trick was over five or ten years, was everything back in sync and continuing, because their traffic on 127 was coming from Bethlehem and it would get worse. This traffic would add to traffic closer to town, but that was why they wanted their density closer in to minimize that traffic or to concentrate that traffic. The reason they had done three driveways was not only to code, but the driveway on 42nd Street would serve about 40 units. Probably a third of those units would be retirees. In the morning going to work, it worked out to about one every minute. It was not a major increase. He agreed with the cyclists. He had been a cyclist, competed with triathlons, time trial State championships for 30 years, and yes, 127 was difficult and he hoped that over time they would put bike lanes in. It would not happen overnight, but it was going to be a plan. He thought it was important, but it could not all happen at one time. He thought in the end if they looked forward 10 years and looked back, he believed, or hoped they would see this quality of project would add to the integrity of the area and everything would fit better together and they would be dealing with problems 10 years from now, much like they were today. He thanked Council and advised he would be happy to answer any questions.

Mayor Guess thanked Mr. Purser. He asked if anyone else wished to speak surrebuttal in favor. No one else appeared. He closed the public hearing and asked for any further discussion from Council.

Alderman Patton commended the developer for their willingness to meet with the public and put their selves out there and address the issues that the public brought up, whether it was the buffering, the height of the units, where the apartments were located, they moved the apartments to the front of 127 and moved the cottages so that they would basically reflect what was already there with the condominiums in Moore's Ferry Phase Two. She thought they have come above and beyond what a lot of developers that come to the City had done.

Alderman Zagaroli asked where the minimum price rental price started on these units.

Mr. Lat Purser advised 600 square footers would be about \$1,000.

Alderman Zagaroli confirmed the smallest.

Mr. Lat Purser explained if they went to Plaza Midwood, where they developed and had the homes that were a million dollars around them, they had 600 square foot flats. The rents might have been \$200 more, and they had two-story and three-story townhomes. If they take a 600 square foot rental here, it was going to rent for between \$1,000 to \$1,100. If they multiply those times six, that was going to be \$3,600 a month. If they do the math that equates to a home that was up in the upper \$800,000 to \$900,000. They talked about renters last time, their renter would reflect the demographics of the area, that was what they were after. They would have a diversity of prices from the townhouse, the townhomes would be much more.

Mayor Guess asked what the maximum would be.

Mr. Lat Purser commented it was a balancing game. When you want to own apartments, what you want to do was get your retention as high as you could. You want to create a neighborhood and if your retention was high, your value and your cash flows were better. You do not always try to maximize the rent. You try to create a neighborhood and create events. That was their long-term plan and that was why they keep so many of their projects.

Alderman Williams commented when he said their renters would reflect the area, what did he mean by that.

Mr. Lat Purser responded people live where they were comfortable. They would come to town, and they may work at the hospital. It was a short drive to the hospital. It was surprising to him when they first started doing this, how many people that were his age, who may be single. They lost their spouse, and they want to be near their children. They would live in something like this possibly because their children might live within a mile or two. There was a little art there. They do not want to get too close. That all played into it. There would be people coming to Hickory to work and they were not sure if they were going to be transferred and they do not want to buy yet, so they rent. Also, people were

getting married later, having children later, so they choose to rent to an older age.

Alderwoman Williams commented she was probably in the most unique situation because these were her neighbors, she lives in Moore's Ferry. This had been a concern for her. She had talked to probably more people than any of her other colleagues here. She respected those concerns, and she had those concerns. She took all those concerns and she had even a private meeting with Mr. Purser to hear how they were responding. She agreed with Alderwoman Patton. The response that they had gotten and the quality of the development she thought would surprise them all and would turn out to be something that would enhance the area. They talk about commercial development. If they had even the population growth, they could attract some other commercial development in that area. Quality commercial development and retail that they want. She wanted to make that statement that this was going to personally affect her more than any of her colleagues and her neighbors, but she really felt due diligence had been done.

Alderman Wood commented he did not live in Moore's Ferry, but he had spent, like everybody else here, hours contemplating this, researching this, looking at trying to see it from all angles, and one of the things that he had done was to try and put himself in that position, to put himself in Bruce's position. This was going to happen in his backyard. He advised he was a risk mitigation guy. He thought about how they could mitigate risk. This was a known entity of known quality. One of the trends that was happening right now was housing was being built in Hickory and it was being purchased by companies and Venture Capital and rented and there was no control. There was no control, they were not from around here. Yes, it was single family housing, but it was built as that, but it was bought by a company, rented out, and control was lost. That was not going to happen here. From a risk mitigation standpoint, he liked this. It was going to be a high-quality project. If he were living in Moore's Ferry, this would be the route that he would choose, because it was a known entity.

Mayor Guess asked for any other discussion or comments from Council.

Alderman Seaver commented he had probably been on Council longer than anybody. In 2010, they looked at the census and they saw people between the age of 20 and 44 or so, were leaving Hickory in droves. They wanted to do what they could do to attract those people and who take the jobs and so forth. Those young people that they were looking for, they would have families and so forth and they want to be here in Hickory. They do not have a place to live and young folks today are more transient than they ever have been. They look for short term rentals and things they could do until they maybe start a family and decided to settle down. They had been working on this now since 2010. That was what the Bond Commission was created for, was to attract these young people back to Hickory. So now they were coming, and they have got to have a place for them to stay. He liked this program of a planned development where they have more control over what was going on there. They could see what the result was of no control or anything out there. It was just a big wide-open field, probably, maybe full of rats, and maybe some old horse manure laying around. But they have took this big step to attract people now they were coming, and they have got to have a place for them. This was just another way of trying to help those people feel welcomed to Hickory. They need people to take some of these jobs that were coming around here. They have lots of jobs, and still businesses creating jobs, and they were going to need people anyway.

Mayor Guess asked if anyone else had additional comments.

Alderman Zagaroli commented that One North Center had been a phenomenal success. If was not mistaken, they had a waiting list of 200 or so people. He noted that it had not been occupied even a year. It was obvious that they need housing, and they need upper end housing and rental housing. This was certainly the key for that. He was very much in favor of it.

Alderman Wood responded that Alderman Zagaroli made a good point. When he was running his campaign, he said that one of the challenges would be to not see the world through his old eyes, through his tastes and his preferences and things like that. He thought there had been a fundamental shift in home ownership. It used to be that you rented by force until you could afford to buy a house and you kept that house the rest of your life. He thought that had fundamentally changed. He thought they have renters by choice now and a lot of them, not just young people, older people that were tired of the maintenance. They want to go somewhere. He had friends that live in One North. They sold their home and decided to move there to get away from the maintenance and live

their life. That had been a challenge as well, viewing the world through this change that had happened that may not be his mindset, but it was other people's mindset.

Mayor Guess thought everything had been said. He was going to follow the rule and he was not going to repeat anything that had already been said. He asked if anyone would like to entertain a motion in relationship to this rezoning request.

Aldерwoman Patton moved, seconded by Alderman Seaver approval of rezoning petition number 22-03. The motion carried unanimously.

ORDINANCE NO. 22-14

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 19.424 ACRES OF PROPERTY LOCATED AT 4331 AND 4405 NORTH CENTER STREET FROM R-2 RESIDENTIAL TO PLANNED DEVELOPMENT (PD)

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the City has been petitioned to rezone +/- 19.424 acres of property located at 4331 and 4405 North Center Street, more particularly described on Exhibit "A" attached hereto, to allow a Planned Development Residential; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 23, 2022, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare; and

WHEREAS, the City Council has found Petition 22-03 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTY LOCATED AT 4331 AND 4405 NORTH CENTER STREET, DESCRIBED IN EXHIBIT "A" IS APPROVED.

SECTION 1. Findings of fact.

1. The subject property is located at 4331 and 4405 North Center Street and identified as PIN 3715-18-30-6570.
2. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
3. The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

SECTION 2. All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

1. Consistency of the proposed zoning with the Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030) and the stated Purpose and Intent of this Land Development Code;

The general area is classified Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan.

The Hickory by Choice 2030 Comprehensive Plan states the following about Low Density Residential areas: "this classification is intended to provide an area of transition between higher density housing and the surrounding area by offering development at two (2) to four (4) units per acre, (HBC 2030, Pg. 3.9)."

The proposed planned development is designed at a density of +/- 10 units per acre, which is higher than the densities recommended by the City's comprehensive plan, during its 2020 update.

The Hickory by Choice 2030 Comprehensive Plan is intended to be a dynamic document, ... and revised, as needed over time. (HBC 2030, 12.2).

The Hickory by Choice 2030 Comprehensive Plan has not been significantly updated during the past two (2) years, due to the COVID-19 pandemic and the substantial delay of obtainable 2020 US Census data, which includes changing demographics and development patterns.

Such recent analysis of received 2020 US Census data fully confirms Hickory's population and workforce is growing at a significant rate.

There is a clear and substantial need for additional housing units of varied forms to accommodate the growing population and labor force.

Given these factors, the rezoning of the property to Planned Development (PD) should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

Based upon these findings, the Hickory City Council has found Rezoning Petition 22-03 to be reasonable, but inconsistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

4. Approved the Voluntary Contiguous Annexation of 8.86 Acres of Property off Startown Road between Short Road and Robinwood Road, PINs 3721-16-94-9674 and 3711-16-94-6567 – Presentation by Planning Director Brian Frazier

Startown Holdings, LLC and REC Group, LLC have petitioned for the voluntary contiguous annexation of 8.86 acres of property located off Startown Road between Short Road and Robinwood Road. The subject properties are currently located within Catawba County's jurisdiction and zoned R-20 Residential. The annexation is being requested to gain access to City services. The subject property is currently zoned R-20 Residential by Catawba County and is 8.86 acres in total size. The current county R-20 zoning district permits residential uses at a density of two dwelling units per acre. The subject properties are currently vacant; however, the intention is to develop the properties, along with other property, for the continuation of the Preston Ridge apartments, which totals 168 units, 48 of which are to be located on the subject properties. The current tax value of the property is \$53,200. If annexed with its present value, the property would generate additional tax revenues of \$334. The future planned development will substantially increase the tax value of the properties. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 4, 2022.

City Manager Warren Wood asked Planning Director Brian Frazier back to the podium to discuss the voluntary contiguous annexation of 8.86 acres of property off Startown Road between Short Road and Robinwood Road.

Planning Director Brian Frazier presented a PowerPoint presentation. He discussed the voluntary contiguous annexation for Startown Holdings and REC Group LLC. The applicant was the same and the agent was Eric Yeargain. The annexation type was voluntary noncontiguous, Startown Road at Short Road just under nine acres in size. The adjacent ward would be number three. The current development was vacant, and the future development was residential development. The annexation, of course, as with all other annexations was being requested to obtain connection to the City's sanitary sewer system. He referred to the PowerPoint and displayed the future land use map. He pointed out the areas to be annexed, Robinwood Road, Startown Road, Short Road, the property in question, the Hickory ETJ (extra-territorial jurisdiction), the area located within City limits and the area located in Catawba County. He referred to the PowerPoint and displayed a zoning map. He pointed out the property in question. He noted the area which was R-2 zoning and R-1 zoning. He pointed out CVCC, O and I, Short Road, Robinson Road, and Startown Road. He displayed an aerial map and pointed out the area to be annexed, CVCC's

campus, the Manufacturing Solutions Center, Short Road, Catawba Valley Boulevard, and some of the apartments already here in Phase One of Preston Ridge. The voluntary annexation complied with all applicable annexation statutes of the State of North Carolina. They had determined adequate public services were available in sufficient quantities. The annexation of the property would not cause available public services to fall below levels. Based upon these findings staff recommended approval of the requested annexation petition. He asked for any questions.

Mayor Guess asked for any questions. He advised the rules for conducting the public hearing still applied. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. Mayor Guess asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing.

Alderman Zagaroli moved, seconded by Alderman Seaver approval of the voluntary contiguous annexation of 8.86 acres. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 473
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)
Startown Holdings, LLC and REC Group, LLC

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO
GENERAL STATUTES 160A-58.1, AS AMENDED (CONTIGUOUS)

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said annexation; and

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 7:00 p.m. on the 15th day of March 2022; and

WHEREAS, the City Council of the City of Hickory further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council of the City of Hickory does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended have been complied with; and

WHEREAS, the City Council further finds that the annexation is otherwise valid, and that the public health, safety, and welfare of the City of Hickory and of the areas proposed for annexation will be best served by annexing the area herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described contiguous territory is hereby annexed and made a part of the City of Hickory as of the 31st day of March 2022:

Annexation Legal Description

Commencing at NCGS Monument "Fairgrove" having NCGS coordinates of N: 720,352.82 E: 1,323,642.09, thence from said monument S 18°01'24" W – 10,932.53' to NCGS Monument "Cochrane", having NCGS Coordinates of N: 709,957.80 E: 1,320,259.86, thence from said monument N 00°01'53" W – 4,820.09' to an existing #4 rebar, said rebar being the point and place of beginning, said rebar also being a common corner of Dennis Eugene Bollinger (2004E/979) and Bowman Rentals LLC (2568/001), thence following the common line with Bowman Rentals the following 26 courses: 1) S 39°18'36" W – 76.72' to a point, 2) S 56°02'13" W - 50.42' to a point, 3) S 39°58'11" W - 37.38' to a point, 4) S 18°51'43" W - 30.10' to a point, 5) S 16°00'41" W - 42.09' to a point, 6) S 20°05'57" W - 22.70' to a point, 7) S 58°46'03" W - 22.56' to a point, 8) S 26°37'03" W - 25.76' to a point, 9) S 03°12'06" W - 12.64' to a point, 10) S 62°07'08" W - 22.67' to a point, 11) S 88°42'09" W - 17.25' to a point, 12) S 73°36'43" W - 33.99' to a point, 13) N 84°57'35" W - 19.39' to a point, 14) S 70°16'49" W - 14.81' to a point, 15) S 38°38'55" W - 16.36' to a point, 16) S 68°30'02" W - 24.32' to a point, 17) S 17°59'18" W - 14.47' to a point, 18) S 85°10'56" W - 25.05' to a point, 19) S 44°46'19" W - 16.68' to a point, 20) S 73°43'44" W - 25.68' to a point, 21) S 44°43'08" W - 10.85' to a point, 22) N 87°00'41" W - 25.99' to a point, 23) S 07°11'05" W - 17.04' to a point, 24) S 69°15'00" W - 32.98' to a point, 25) S 66°37'05" W - 13.71' to a point, 26) N 71°05'10" W - 12.87' to a point, said point being a common corner of Bowman Rentals LLC (2568/001) and REC Group LLC (3543/1702), thence with the common line of REC Group LLC the following 17 courses: 27) S 61°30'33" W - 21.66' to a point, 28) S 59°19'08" W - 20.14' to a point, 29) S 16°55'09" W - 28.91' to a point, 30) S 80°02'52" W - 14.96' to a point, 31) S 12°30'55" E - 13.14' to a point, 32) S 42°54'04" W - 23.65' to a point, 33) S 89°50'59" W - 29.34' to a point, 34) S 74°25'42" W - 28.78' to a point, 35) N 87°16'51" W - 41.52' to a point, 36) N 72°40'26" W - 66.47' to a point, 37) S 22°11'13" W - 18.26' to a point, 38) N74°44'36" W - 22.28' to a point, 39) S 70°18'50" W - 23.46' to a point, 40) S 77°44'54" W - 31.94' to a point, 41) N 30°06'11" W - 21.22' to a point, 42) N 30°09'00" W - 430.08' to a point, 43) N 30°03'54" W - 252.87' to an existing solid iron, said solid iron being a common corner of REC Group LLC (3543/17020) and REC Group LLC (3518/1465), thence with the common line of REC Group S 82°26'34" E - 286.06' to an existing #4 rebar, said rebar being a common corner of REC Group LLC (3518/1465) and Preston Ridge Owners Association, Inc (2671/1183), thence with the common line o of Preston Ridge Owners Association S 82°24'40" E - 205.05' to an existing 1" pipe, thence S 82°25'49" E - 125.46' to an existing #5 rebar, said rebar being a common corner of Preston Ridge Owners Association, Inc (2671/1183) and Startown Holdings LLC (3514/1815), thence with the common line of Startown Holdings LLC S 82°16'35" East, 104.86 to a point, thence S 82°54'08" E - 321.05' to a point, thence S 87°48'18" E - 29.90' to an existing 1" pipe, said pipe being a common corner of Startown Holdings LLC (2514/1815) and Dennis Eugene Bollinger, thence with the common line of Bollinger S 82°33'08" E - 75.08' to the point and place of beginning, containing 8.866 AC± to be annexed by the City of Hickory.

Section 2. Upon and after the 31st day of March, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly annexed territory described herein shall become part of Ward No. 3 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

ADOPTED THIS 15TH DAY OF MARCH 2022.

5. Approved on First Reading Rezoning Petition (RZ) 22-04, Rezoning of 8.86 Acres of Property located off Startown Road between Short Road and Robinwood Road from R-20 Residential to Planned Development (PD), Identified as PINs 3711-16-94-6567 and 3721-16-94-9674 – Presentation by Planning Director Brian Frazier.

Eric Yeargin, agent for the REC Group LLC, submitted a petition requesting the consideration of rezoning property located off Startown Road, between Short Road and Robinwood Road from R-20 Residential to Planned Development (PD). The applicant submitted a petition requesting the properties be rezoned to Planned Development (PD). The master plans, and supplemental documentation, provided as part of the petition depicts the development as being multi-family in nature, with 168 dwelling units, and 36 supporting garages. The units are proposed at a density of approximately eleven units per acre. The Hickory Regional Planning Commission conducted a public hearing on February 23, 2022, to consider the petition. During the public hearing, the developer's representative provided the Commission with an overview of the proposed development. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on March 4 and March 11, 2022.

City Manager Warren Wood asked Planning Director Brian Frazier back to the podium to discuss rezoning petition (RZ) 22-04, rezoning of approximately 8.86 acres of property located off Startown Road between Short Road and Robinwood Road from R-20 Residential to Planned Development (PD).

Planning Director Brian Frazier presented a PowerPoint presentation. He advised the property size was approximately 30.31 acres. Just under nine would be PD, planned development. The property was currently zoned R-20 by Catawba County and as Council had just annexed it this evening into the City, the rezoning requests was again intended to provide an area for future residential uses in this case, Phase Two, he believed it was 168 multifamily units for Preston Ridge. The property owner had requested to rezone the property to PD. It would be 168 multifamily units and 36 accompanying garages on site. He referred to the PowerPoint and displayed a future land use map. He pointed out the property in question, the area which was designed industrial/commercial, O and I, low density residential, high density residential, not quite in half but close. He displayed a map of the current zoning and pointed out the O and I area with the college, the medical office, County R-20 area and City R-2, and more County and City areas, and regional business C-3. He noted the area which was currently Preston Ridge and advised they were just annexed a few minutes ago, and they were looking at getting those rezoned. He displayed an aerial ortho map and pointed out the properties in question, Startown, Catawba Valley Boulevard, and CVCC. He displayed a preliminary drawing/rendering of Preston Ridge Phase Two. He pointed out Phase One, and some of the commercial space, the leasing office, the cosmetology school, two or three other businesses. He pointed out the existing apartments and the land that they were looking at putting additional apartments on. He displayed a rendering of the building elevation of what was proposed. It looked exactly like what was there now. He reiterated the property was zoned R-20 Catawba County and vacant. The vicinity in which the subject properties were located was classified as both low and high density as he had indicated on the map. The high and low residential future land use map was discussed in the comprehensive plan. These classifications consisted of areas found to be suitable for varied levels of residential development. The PD zoning designation that was sought was not listed as the implementing zoning district for the lower high density residential classification, of course, as each PD was to be considered on a case-by-case basis. But the proposed project would result in a density of roughly 11 units per acre, which was the exact average between low- and high-density classification in the plan. Given these factors, the rezoning of the PD was consistent with the findings and recommendations of Hickory by Choice 2030. The Planning Commission conducted a hearing on February 23rd, and during the hearing the developer's representative provided the Planning Commission with an overview of the development. No residents spoke out in opposition to the proposed rezoning. Upon closing the hearing, the Regional Planning Commission acknowledged the consistency of the petition with Hickory by Choice. Based on the finding the Planning Commission voted 8-0 to recommend approval of the petition. Staff concurred with the recommendation of the Planning Commission. He asked for any questions on this proposed rezoning.

Mayor Guess asked if there were any questions from Council for Mr. Frazier on this rezoning.

Alderman Wood commented not pertinent to the rezoning, but in Mr. Frazier's correspondence with Mr. Yeargain had he said what the occupancy was of Phase One of this development. Did he know by chance?

Planning Director Brian Frazier responded that Mr. Yeargain would be better able to speak to that. From his understanding there was a waiting list.

Mayor Guess asked if there were any other questions for Mr. Frazier. He advised the rules for conducting the public hearing still applied. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal.

OPPONENT

No one appeared.

Mayor Guess asked if there was anyone present to speak in favor of the proposal.

PROPONENT

Mr. Eric Yeargain, 898 38th Avenue NE, thanked Council for their service and attention. He advised he was present to answer any questions that Council may have. They were expanding the project, not adding any density to the previous PD, to serve some consumer behaviors and demand for some garage space and stretching this back and adding these two parcels gave them a little bit more elbow room to accommodate that. He asked for any questions.

Mayor Guess asked if there were any questions for Mr. Yeargain. He asked Alderman Wood if he had sufficiently answered his questions.

Alderman Wood asked if there was a waiting list.

Mr. Eric Yeargain confirmed they were full and there was a waiting.

Mayor Guess asked for any other questions. He thanked Mr. Yeargain. He asked if there was anyone else who wished to speak in favor. He declared the public hearing closed and asked if there was any further discussion or motion from council.

Alderman Seaver moved, seconded by Alderman Zagaroli approval of rezoning petition 22-04. The motion carried unanimously.

ORDINANCE NO. 22-15

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 8.88 ACRES OF PROPERTY LOCATED ON STARTOWN ROAD, BETWEEN SHORT ROAD AND ROBINWOOD ROAD FROM R-20 RESIDENTIAL to PLANNED DEVELOPMENT (PD)

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the City has been petitioned to rezone +/- 8.88 acres of property located on Startown Road, between Short Road and Robinwood Rd., more particularly described on Exhibit "A" attached hereto, to allow a Planned Development; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 23, 2022, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires finds the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare; and

WHEREAS, the City Council has found Petition 22-04 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTIES LOCATED ON STARTOWN ROAD, BETWEEN SHORT ROAD AND ROBINWOOD ROAD., DESCRIBED IN EXHIBIT "A" IS APPROVED.

SECTION 1. Findings of fact.

4. The subject properties are located on Startown road, between Short Road and Robinwood Road and identified as PINs 3721-16-94-9674, and 3711-16-94-6567.
5. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
6. The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

SECTION 2. All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

2. Consistency of the proposed zoning with the Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030) and the stated Purpose and Intent of this Land Development Code;

The vicinity in which the subject properties are located is classified as both low and high density residential by the Hickory by Choice 2030 Comprehensive Plan. The low and high residential future land use classification is discussed on pages 3.8 and 3.9 of the comprehensive plan. In summary, these classifications consist of areas found to be suitable for varied levels of residential development.

Within the Goals and Policies section of Chapter 3 of the comprehensive plan a number of goals and policies are provided that address development. A brief explanation of the goals, and how the development proposal fits in with the goals is provided below.

- Goal 1 discusses the expectation new development will “fit in”. The subject properties are located within an area that is transitioning from a historically rural environment to a more urban environment, especially when considering the development this project would be attached to. When Catawba Valley Boulevard was completed in the 1990s the development pattern in the area changed dramatically. Its completion brought about a number of commercial and residential developments to northwest. Both Trivium Corporate Center and Catawba Valley Community College (CVCC), and their recent growth, has also played into the urbanization of the area. CVCC is currently expanding and adding new buildings to its campus, and Trivium Corporate Center is now working to fill an additional one-hundred acres of land with new development.
- Goal 2 indicates neighborhoods should be designed to provide pedestrian access to daily services. The development proposal provides for internal amenities (retail / service areas) that work towards achieving this goal. In addition, the proposed development is within a short distance of larger shopping areas along Catawba Valley Boulevard and U.S. 70. While walking to these areas may not be ideal, their close proximity would reduce cross-town commutes for goods and services. An additional consideration would be the availability of housing for faculty and staff of Catawba Valley Community College, which is directly across Startown Rd from the subject properties.
- Goal 3 references the need to provide balance between development and open spaces. The development proposal shows 20%, or approximately 6.2 acres, of the development’s total area as being set aside as open space. Much of this open space is located in the center of the project site and could be utilized by residents as areas for passive recreation, as well as a habitat area for plants and animals.
- Goal 4 discusses the locations of industrial uses. Being the development is absent of industrial uses, this goal would not pertain to the development proposal.
- Goal 5 is very similar to Goal 2 but goes further in outlining the need to promote mixed use areas that provide convenient access to amenities

and employment areas. As previously outlined the location of the subject properties provide access to amenities (retail and services), as well as close proximity to employment areas.

- Goal 6 relates to citizen participation in planning. With the project falling under the Planned Development process, which requires notices and hearing; the public will be afforded the opportunity to provide input regarding the proposal.

Given these factors, the rezoning of the property to Planned Development (PD) should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

Based upon these findings, the Hickory City Council has found Rezoning Petition 22-04 to be reasonable, and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

B. Departmental Reports:

1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area VACANT

COMMUNITY APPEARANCE COMMISSION
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints) VACANT

COMMUNITY RELATIONS COUNCIL
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT
Differently Abled and is African American or Other Minority (Council Appoints) VACANT
Differently Abled (Council Appoints) Beth Whicker
(Not Eligible for Reappointment)

LIBRARY ADVISORY BOARD
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints) VACANT
(Beth Schauble Resigned 11-10-2021)

PUBLIC ART COMMISSION
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Mayor Appoints) (Harold Humphrey Resigned 11-4-2021) VACANT

Mayor Guess nominated William Derick Wood as At-Large Representative on the Public Art Commission.

RECYCLING ADVISORY BOARD
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 6 (Patton Appoints) (Lona Hedrick Resigned 1-11-2022) VACANT

YOUTH COUNCIL
(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard VACANT
Homeschool VACANT

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Voting Delegate for 2022-2023 League Board of Directors in Advance of the Annual Business Meeting on April 28, 2022 at the NCLM Annual Business Meeting during the CityVision Conference.

Mayor Guess moved seconded by Alderwoman Patton approval of the above nomination. The motion carried unanimously.

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Mayor Guess commented it had already been mentioned about the City's social district which took affect tonight. He had not been up there.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Mayor Guess moved that Council go into closed session to consult with the attorneys to discuss the items below, seconded by Alderman Wood. The motion carried unanimously.

1. Approval of Closed Session Minutes of March 1, 2022 - NCGS §143-318.11(a)(1)
2. Discussion of Potential Litigation – NCGS §143-318.11(a)(3).

Council convened to closed session at approximately 9:34 p.m.

Council reconvened to open session at approximately 9:57 p.m.

No action was taken upon return to open session.

XV. There being no further business, the meeting adjourned at 9:57 p.m.

Mayor

City Clerk